



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;
M. Elizabeth Miles, Public Member; John Rhodes, Public Member; Sarah Penttinen, Executive Director

BOARD MEETING MINUTES

June 8, 2011; 8:00 a.m.
1400 West Washington St., B1
Phoenix, AZ 85007

Board Members: Barry Kaplan, D.P.M, President
Joseph Leonetti, D.P.M., Member
Barbara Campbell, D.P.M., Member
M. Elizabeth Miles, Secretary-Treasurer
John Rhodes, Public Member

Staff: Sarah Penttinen, Executive Director

Assistant Attorney General: Seth Hargraves

I. Call to Order

Dr. Kaplan called the meeting to order at 8:03 a.m.

II. Roll Call

Dr. Kaplan noted for the record that Mr. Rhodes was not present. All other Board members were present as well as Ms. Penttinen. Dr. Kaplan noted that the previous Assistant Attorney General Keely Verstegen has been replaced by Seth Hargraves. Ms. Penttinen advised that she had spoken with the supervisor of the Licensing and Enforcement Section of the AG's office who told her the assignment of Mr. Hargraves was likely to be temporary. They are adjusting to staffing issues and awaiting inter-agency service agreements with other agencies for the 2012 fiscal year. Sometime in July they will be able to tell us who our permanent replacement will be.

III. Approval of Minutes

a. May 11, 2011 Regular Session Minutes.

Ms. Miles offered one spelling correction on page 4 of the minutes. All Board members agreed with that.

MOTION: Ms. Miles moved to approve the minutes with the one noted correction. Dr. Campbell seconded the motion. There was no discussion.

VOTE: The motion passed unanimously by voice vote.

IV. Review, Discussion and Possible Action on Administrative Matters

a. Administration of oral examinations for the following license applicants:

- i. Dennis Bobik
- ii. Joseph Fiorito
- iii. Derek Hunchak
- iv. Jacob Jones
- v. Brian Leykum

MOTION: Ms. Miles moved to go into Executive Session for the purpose of conducting the oral examinations for new license applicants. Dr. Campbell seconded the motion. There was no discussion.

VOTE: The motion passed unanimously by voice vote and the Board went into Executive Session at 8:07 a.m.

The Board returned to Regular Session at 8:25 a.m. and immediately recessed until 8:37 a.m.

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

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

Dr. Leonetti has reviewed all records submitted to date from Dr. Peterson. He has some concerns about some billing codes used and whether or not those codes include the use of any type of anesthetic. The codes in question are 11730, 11750, 10060, and 10061. The Board members reviewed the CPT code book and discussed the codes Dr. Peterson used. After reviewing Dr. Peterson's records and the CPT guidelines, the Board decided to have a Certified Coder review the codes in question and provide an opinion as to whether those codes require either topical or local injected anesthetic. The Board's investigative consultant Dr. Dedrie Polakof is a Certified Coder. Ms. Penttinen will contact Dr. Polakof and report back to the Board at the next meeting in July.

b. 08-03-C – Elaine Shapiro, DPM: Monthly update.

Ms. Penttinen advised that the last progress report from Dr. Sucher was received in May so the next one will be due in August. She has not received any reports of non-compliance.

c. 08-44-C – Alex Bui, DPM: Monthly update.

Ms. Penttinen reviewed the Inspection Report and Report Addendum for her inspection of Dr. Bui's office conducted on May 17, 2011. The office was empty except for one administrative staff person. The patient treatment rooms did not appear to be prepared in any way for treating patients. The only issue that came up was that the administrative staff, (a woman named Valerie), told Ms. Penttinen that there had been an occasion when a patient had a question about their orthotics that she did not know how to answer so she asked Dr. Bui and then called the patient back. Ms. Penttinen followed up with Dr. Bui and his attorney who both stated the patient's question had to do with the fit of their orthotics and Dr. Bui's instruction to Valerie was to have the patient call the lab where the orthotics were manufactured. Dr. Bui was reminded that he is to have no contact with patients during his suspension and that he may not utilize administrative staff to relate information. Ms. Miles suggested that Ms. Penttinen conduct at least two additional inspections during Dr. Bui's period of suspension. All Board members were in agreement.

The Board also reviewed a request from Dr. Bui for approval of several CME courses for the purpose of fulfilling his consent agreement requirements. The courses are offered in an online, independent study program by "E/M University." Ms. Miles stated she feels the Board needs for information about E/M University, additional course information, and information about the presenter Dr. Peter Jensen. Dr. Kaplan stated he finds several of the courses questionable as to whether they are relevant to podiatry. The Board members reviewed and discussed the course information and directed Ms. Penttinen to obtain the following information from Dr. Bui: Detailed information about E/M University, a curriculum vitae for Dr. Jensen, and any available brochures or written descriptions of the programs. Ms. Penttinen will also advise Dr. Bui of the course which do not appear to be related to podiatry. The Board will review this again next month and make a decision on all courses requested.

d. 09-13-M – Patrick Farrell, DPM: Monthly update.

Dr. Leonetti reviewed the records one tarsal tunnel procedure Dr. Farrell has performed. He stated the patient work-up was good, there was a proper consent form, and it appears the procedure was done properly

e. 09-17-B – J. David Brown, DPM: Monthly update.

Ms. Penttinen advised that the last progress report from Dr. Sucher was received in April so the next one is due in July. She has not received any reports of non-compliance.

VI. Review, Discussion and Possible Action on Administrative Matters

a. Telemedicine for Arizona Podiatrists.

Ms. Penttinen received an email inquiry from Dr. Marie Paul asking if podiatrists in Arizona can participate in telemedicine and be reimbursed by insurance companies. The Board reviewed the email

and discussed what activities might be included in telemedicine. Ultimately the Board determined that because they are not an advisory board they cannot provide any advice to Dr. Paul on this matter. They suggested that she contact her malpractice insurance carrier, the private health insurance companies, and the national podiatry association. Ms. Penttinen will forward that information to Dr. Paul.

b. License renewal applications:

Suzanne Abraham	Marisa Haddad	Scott Price
Steven Abrams	Jarrett Hamilton	Kelly Reber
Raziuddin Ahmed	Myron Hansen	Gordon Rheahme
Jason Allen	Matthew Jones	Richard Robinson
David Armstrong	Ira Kaufman	Glen Robison
Shahram Askari	Lee Keenen	Andrea Roemer
Stephen Barrett	Jonathan King	M.A.. Rosales
Darin Bocian	Joseph Knochel	Kenneth Rowe
Edward Bodmer	Morten Krahn	Roberta Rowland
Scott Boggs	Duane Kratzer	Payam Sarraf
Maria Buitrago	Janna Kroleski	Valerie Schade
Teisha Chiarelli	Kimberly Leach	Timothy Sekosky
John Charski	William Leonetti	Timothy Short
Sanford Chesler	Frank Maben	Peter Sidoriak
Dennis DiMatteo	John Marin	Donald Siegel
Alan Discont	Robert Mendicino	Glenn Silverstein
Marvin Dobkin	Pierre Momjian	Karen Smith
Susan Erredge	Eduardo Montes	Martin Smith
John Ferguson	Wayne Moyer	Kathleen Stone
Todd Galle	Serjik Nazarian	Antonius Su
James Garber	Spencer Niemann	Jodi Walters
David Gerstman	Robert Novack	Bradley Whitaker
Kelley Gillroy	Mary Peters	Wesley Yamada
Jay Glasser	Dedrie Polakof	Kerry Zang
Arnold Gross	John Powers	Robert Zobel

Dr. Leonetti recused himself from review of the renewal application for Dr. William Leonetti.

MOTION: Ms. Miles moved to approve the renewal application for Dr. William Leonetti. Dr. Kaplan seconded the motion. There was no discussion.

VOTE: The motion passed unanimously by voice vote.

MOTION: Dr. Kaplan moved to approve all remaining license renewal applications and dispensing registration renewals. Ms. Miles seconded the motion. There was no discussion.

VOTE: The motion passed unanimously by voice vote.

Dr. Campbell noted that Dr. M.A. Rosales had submitted an Initial Dispensing Registration form. Ms. Penttinen explained that he previously held a dispensing registration but did not renew it last year. The Board discussed and Ms. Penttinen will inquire with Dr. Rosales as to whether or not he has been dispensing drugs and/or devices during the last year. If he has, a complaint investigation file will be opened.

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

a. Open complaint status report.

Ms. Penttinen advised that she is not yet able to run the complaint report from the database but she has received four new complaints in the last month. She is now caught up with enough updating in the database that she can begin re-entering the complaint information from the last year. A complaint status report will be provided at the July meeting. Also, there will be approximately five to eight complaint investigations to review at the July meeting. Three of those cases are ones that the Board has previously reviewed and now requested the licensees to appear before the Board to discuss them. The

Board discussed the status of those three cases to determine which investigation consultants will need to be present. Ms. Penttinen will make the necessary notifications.

b. Update on budget status and proposed sweeps of Board cash.

Ms. Penttinen advised that the fiscal year 2012 budget has been published. The Board's allocation for that budget year is \$142,600.00 which is the same as it was for the current year. In addition, the six furlough days that were previously enacted for FY 2012 have been removed. For the one remaining furlough day in the current year, the Budget Committee decided that they will still sweep cash in an amount equal to the furlough savings, but if agencies have enough funds they do not have to require their employees to take the furlough day. The Board has sufficient funds to allow Ms. Penttinen to avoid the furlough day. With regard to the overall fund sweeps, the Budget Committee had previously determined that they wanted to sweep just over \$60,000.00 of the Board's cash. However, the final budget bill passed with only a \$3,000.00 sweep.

c. Malpractice case report.

- i. Donald Curtis, DPM: PICA report of malpractice claim filed on 04/14/2011 by patient S.M. (Not previously investigated by the Board.)

The PICA report states the nature of claim as, "Insured performed a debridement and curettage of lesions on both of patient's feet. Patient is claiming this resulted in severe pain, disability, disfigurement. NFI at this time." (No further information.) The Board reviewed the report and determined that a complaint investigation file should be opened.

- ii. Paul Ledesma, DPM: Update of malpractice report reviewed by the Board on 04/13/2011. Incident leading to claim occurred in Massachusetts.

The Board has received a letter from Dr. Ledesma's attorney stating the incident which led to the claim being filed occurred in Massachusetts. The Board decided that they will await the outcome of any investigation conducted by that state and any settlement report received in the future from PICA.

d. Legislative report.

The Board had two bills in the last legislative session which is now adjourned. One bill was for the continuation of the agency (SB1044), and one was an omnibus bill for statute changes (SB1315). Ms. Penttinen advised that both bills have been signed by the Governor and will become effective on the general effective date from the legislative session which will be July 20, 2011. The continuation bill will be retroactive to July 1, 2011.

e. Assignment of new Assistant Attorney General.

This matter was discussed at the beginning of the meeting when Dr. Kaplan introduced Mr. Hargraves. Mr. Hargraves is not certain he will be able to attend the next meeting on July 13, 2011 due to scheduling conflicts. Ms. Penttinen advised that Ms. Verstegen will be present that day to review the decision of the Administrative Law Judge in a case that went through a formal hearing so she may be available to cover the remainder of the meeting. The Board briefly discussed this matter and if needed Ms. Penttinen will contact the LES supervisor for meeting coverage.

VIII. Call To The Public

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

IX. Next Board Meeting Date:

- a. July 13, 2011 at 8:30 a.m.

X. Adjournment

There being no other business before the Board, the meeting was adjourned at 10:05 a.m.