



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

January 9, 2013; 8:30 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: John Tellier

I. Call to Order

Dr. Kaplan called the meeting to order at 8:32 AM.

II. Roll Call

All board members were present, as were Ms. Penttinen and Mr. Tellier.

III. Approval of Minutes

a. December 12, 2012 Regular Session Minutes.

Dr. Kaplan noted that he had some typographical corrections to offer. He will review the specific corrections with Ms. Penttinen following the meeting.

MOTION: Dr. Kaplan moved to approve the minutes. Ms. Miles seconded the motion.

DISCUSSION: There was no discussion on the motion.

VOTE: The motion passed unanimously by voice vote.

b. December 12, 2012 Executive Session Minutes.

Dr. Kaplan noted that he also had some typographical corrections to offer for the Executive Session Minutes which he will review with Ms. Penttinen following the meeting.

MOTION: Dr. Kaplan moved to approve the minutes. Mr. Rhodes seconded the motion.

DISCUSSION: There was no discussion on the motion.

VOTE: The motion passed unanimously by voice vote.

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

(There were no new complaints to review during this meeting.)

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

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

Dr. Kaplan reviewed the monthly report submitted by Dr. Bui which indicates that he has no charts to submit for review for the previous month. The board members also reviewed an e-mail sent by Dr. Polakof to Ms. Penttinen regarding her review of the billing records for the 10 patient charts which were audited. Dr. Kaplan asked if the e-mail was all that Dr. Polakof was sending or if she planned to submit a written report. After brief discussion among the board members Dr. Leonetti asked to have Dr. Polakof appear at the next board meeting to discuss her findings in more detail. He also would like to see a more detailed written report broken down by specific patient. The other board members were in agreement.

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

Ms. Penttinen reviewed with the board members a letter she sent to Dr. Sucher on November 29, 2012 regarding Dr. Brown's ongoing medication needs. When she did not hear back from him she sent Dr. Sucher an e-mail on December 28 asking for a status update. Dr. Sucher responded that he would look into the matter and see if he can come up with options for Dr. Brown to address his pain management without the need for medication. Ms. Penttinen has not received any further update from Dr. Sucher. She will continue to follow-up with Dr. Sucher and hopefully have additional information for the next board meeting.

VI. Review, Discussion and Possible Action on Administrative Matters

a. Letter from the Council on Podiatric Medical Education regarding proposed updates to their guidelines.

The board members reviewed the memo from CPME which references to documents regarding CME guidelines. Dr. Campbell advised that she had gone to the Council's website to review the documents which are each over 20 pages long. The physician board members discussed the memo briefly and agreed that they did not have any comments to provide to the Council regarding the proposed revisions. The public members did not have any comments.

b. Advertisement by "Laser Nail Center" regarding laser treatment of fungal toenail infections.

Dr. Kaplan explained that he had seen this advertisement in a newspaper and asked Ms. Penttinen to research it. Dr. Kaplan stated that he believed there was a law which required a physician to print their name in any advertisement. Ms. Penttinen stated that the law only requires that if a doctor states for example "Dr. Smith" then they must specify what type of doctor they are. Dr. Leonetti stated that that was not his understanding of the law. The board members inquired with Mr. Tellier who stated that he was uncertain about the specifics of this law but he would look into it.

c. Letter from Dr. Bruce Werber requesting inquiry into Groupon advertisement of laser treatment of fungal toenail infections.

Dr. Kaplan reviewed the letter sent by Dr. Werber which was accompanied by a Groupon advertisement for Alpha Chiropractic and Physical Therapy for laser nail fungus treatment. Dr. Kaplan stated he does not believe there is any issue with the Groupon but was concerned regarding a chiropractor providing the laser treatments. Ms. Penttinen had provided a summary of information she was able to gather about the company who offered the treatment. There is an osteopathic physician in that practice who examines the patient's and of treatment is needed he refers them to another person in the office to perform the treatment. Drs. Kaplan and Leonetti both stated they did not have any problem with an osteopathic physician performing the evaluation. Dr. Leonetti inquired what would happen if the osteopathic not on the premises and the treatment is being provided by the chiropractor. Ms. Miles stated that would have to be an issue for the chiropractic board. Ms. Penttinen advised that she had spoken with the executive director of the Arizona Chiropractic Board but that person was not certain if laser nail treatment would be within the scope of practice for chiropractor. The Arizona Chiropractic Board also received a copy of the letter sent to this board by Dr. Werber. All of the board members were in agreement that no action needs to be taken by this board regarding this matter.

d. Election of Board officers.

MOTION: Dr. Kaplan moved to elect Dr. Leonetti as the next board president. Ms. Miles seconded the motion. Dr. Leonetti recused himself from voting.

DISCUSSION: There was no discussion on the motion.

VOTE: The motion passed unanimously by voice vote with Dr. Leonetti recused.

MOTION: Dr. Kaplan moved to elect Ms. Miles to continue as the board secretary/treasurer. Dr. Leonetti seconded the motion. Ms. Miles recused herself from the vote.

DISCUSSION: There was no discussion on the motion.

VOTE: The motion passed unanimously by voice vote with Ms. Miles recused.

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

a. Open complaint status report.

Ms. Penttinen advised the board members that she received three new complaints during the last month. The board now has a total of 55 open complaints. She expects there to be 8 to 9 cases on the agenda for the February meeting.

b. Malpractice case report. (None at this time.)

VIII. Call To The Public

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

IX. Next Board Meeting Date:

a. February 13, 2013 at 8:30 a.m.

X. Adjournment

There being no further business before the board the meeting was adjourned at 8:48 AM.