



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

September 11, 2013; 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
M. Elizabeth Miles, Secretary-Treasurer
John Rhodes, Public Member

Staff: Sarah Penttinen, Executive Director

Assistant Attorney General: John Tellier

I. Call to Order

The meeting was called to order at 8:43a.m.

II. Roll Call

Ms. Miles was absent. All other Board members were present as well as Mr. Tellier and Ms. Penttinen.

III. Approval of Minutes

a. August 14, 2013 Regular Session Minutes.

MOTION: Dr. Kaplan moved to approve the minutes with minor typographical corrections. Dr. Leonetti seconded the motion.

DISCUSSION: There was no discussion on the motion.

VOTE: The motion passed unanimously by voice vote.

b. August 14, 2013 Executive Session Minutes.

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 at this time.

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

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

Ms. Penttinen advised that the next quarterly progress report from Dr. Sucher is due next month. There have been no reports of non-compliance.

b. 11-09-M – Kelvin Crezee, DPM: Review of proposed educational seminar.

Dr. Crezee was not present but had submitted to the Board his plan for conducting a seminar for healthcare providers regarding wrong-site surgery. The Board members reviewed the cover email sent with the seminar content information which indicates Dr. Crezee plans to conduct the seminar in Tucson, Ohio and Florida. Dr. Kaplan recalled that the Board suggested that Dr. Crezee contact the AzPMA to see about speaking to that group. Ms. Penttinen reviewed the terms of the consent agreement which only require that Dr. Crezee conduct the seminar for healthcare providers but did not include a specific location. The Board members expressed agreement that the outline of the seminar content looks good,

but they would like to see a copy of the new consent form mentioned by Dr. Crezee. The Board members also suggested that Dr. Crezee should provide one lecture in the Phoenix area, although the three locations listed in the cover email are sufficient for the terms of the consent agreement.

MOTION: Dr. Kaplan moved to approve the seminar plan submitted by Dr. Crezee. Dr. Campbell seconded the motion.

DISCUSSION: There was no discussion on the motion.

VOTE: The motion passed unanimously by voice vote.

c. 13-05-B – Kathleen Stone, DPM: Monthly update.

Ms. Penttinen reviewed the documentation submitted by Dr. Stone which includes a ledger of payments for counseling services. Dr. Stone also submitted proof of completion of the 36-hour substance abuse education class which was required in her consent agreement. At this point the only requirement of Dr. Stone is to continue counseling for as long as is recommended by her counselor.

VI. Review, Discussion and Possible Action on Administrative Matters

a. Review of proposed Substantive Policy Statement regarding fee splitting.

The Board members reviewed the substantive policy statement drafted by Ms. Penttinen. (Policy number SPS 13-01.) The Board members were in agreement with the language and content of the statement. Dr. Leonetti asked if there was any requirement to allow public opinion or feedback on this matter. Ms. Penttinen stated that this Board meeting would be that forum and the draft was attached to the agenda for public access prior to the meeting. She also advised that all of the parties who expressed interested in this matter due to the previous complaint investigations had been notified that this matter would be reviewed today. The Board members determined that, in addition to posting this policy statement on the Board's website, a notice should be sent to all licensees advising them that the Board has adopted this policy.

MOTION: Dr. Kaplan moved to approve the substantive policy statement SPS 13-01. Dr. Campbell seconded the motion.

DISCUSSION: There was no discussion on the motion.

VOTE: The motion passed unanimously by voice vote.

b. Review and selection of 2014 Board meeting dates and oral licensing exam dates.

The Board members reviewed the proposed Board meeting dates for 2014 which are the second Wednesday of each month and were in agreement with those dates. The June meeting date, the 11th, and the December meeting date, the 10th, would also be the dates when the Board administers the oral licensing exam for new license applicants.

MOTION: Dr. Kaplan moved to adopt the proposed meeting dates and licensing exam dates. Mr. Rhodes seconded the motion.

DISCUSSION: There was no discussion on the motion.

VOTE: The motion passed unanimously by voice vote.

c. Request from Dr. Kerry Zang to review the NIP device for possible use in podiatry.

Dr. Zang was present. He was accompanied by Mr. Rob Steinwascher who is a representative of American Medical Business Solutions. Dr. Zang described the history and development of the P-STIM device which is an implantable peripheral neurostimulator. He stated it is essentially an acupuncture treatment that is augmented with electrical stimulation to treat peripheral nerve pain. In most cases the device is attached to the ear of the patient; however, it can be attached to other areas such as the back or lower leg. Dr. Zang provided a model of the device for the Board members to look at.

Dr. Zang was seeking the Board's determination as to whether the P-STIM device could be used within the podiatry scope of practice in Arizona, particularly for the treatment of tarsal tunnel syndrome. Dr. Zang explained that, although it is normally attached to the ear, it is able to treat nerve pain in the lower extremity. There was discussion among the Board members, Dr. Zang, and Mr. Steinwascher regarding what areas of the body the device could be applied to. Dr. Kaplan stated he was concerned because the device actually punctures the skin and if that is being done on the ear then it would be outside the scope

of practice. Dr. Leonetti agreed and added that the device can be used within the scope of practice if it is applied to the lower leg. Following discussion there was agreement among the Board members that the P-STIM device can be used by podiatrists in Arizona but only when it is applied to the lower leg.

d. Review of new license application for Dr. John Cox.

The Board members reviewed the license application file for Dr. Cox and determined that there were no deficiencies.

MOTION: Dr. Leonetti moved to approve Dr. Cox to sit for the oral licensing exam and approve his application pending successful completion of that exam. Dr. Campbell seconded the motion.

DISCUSSION: There was no discussion on the motion.

VOTE: The motion passed unanimously by voice vote.

e. Request from Dr. Peter Bregman to waive license renewal times frames and allow him to renew license.

Ms. Penttinen explained that she received a letter from Dr. Bregman in late August, approximately two weeks before the renewal deadline, stating he wanted his license to be "inactive." Due to the number of issues there were during his initial application process she wanted to be certain that he understood there was no "inactive" status and that if he did not renew he would expire. Ms. Penttinen contacted him by phone and advised him of this and that if he wanted to return to Arizona in the future he would have to re-apply. At that time Dr. Bregman was uncertain what he wanted to do. Dr. Bregman then sent an email on September 3rd which was the final deadline date asking if he could submit payment electronically for the renewal fee. The email was not received until September 4th but Ms. Penttinen advised him she would allow him the extra day as the delay was not his fault. She also advised him that the Board cannot process electronic payments and we must have the actual renewal form. Because he is living and working in Nevada, Dr. Bregman stated there was nothing he could do. The Board is now in receipt of a letter asking for the license renewal time frame to be waived so that Dr. Bregman can renew his license. Ms. Penttinen confirmed for the Board members that Dr. Bregman has not submitted the actual renewal form or the fees. After brief discussion the Board members were in agreement to deny the request.

f. Review of license renewal and/or dispensing registration renewal for the following podiatrists:

Michael Farkas
Patrick Farrell
David Jenkins
Jacob Jones

Noland Jones
Anthony Kimball
Michael Leonetti
Mark Olsen

Jennifer Pappalardo
V. Seater-Benson
Tanya Thoms
Todd Zang

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

MOTION: Dr. Kaplan moved to approve the renewal application for Dr. Michael Leonetti. Dr. Campbell seconded the motion.

DISCUSSION: There was no discussion on the motion.

VOTE: The motion passed unanimously by voice vote.

The Board members reviewed the renewal application form for Dr. Anthony Kimball. Ms. Penttinen explained that she had sent Dr. Kimball a deficiency notice because he did not complete the requirement CME information. He also needed to pay the late renewal fee. Dr. Kimball has not responded in any way and his renewal application remains incomplete.

MOTION: Dr. Leonetti moved to deny the renewal application based on the deficiencies as stated above. Dr. Campbell seconded the motion.

DISCUSSION: There was no discussion on the motion.

VOTE: The motion passed unanimously by voice vote.

MOTION: Dr. Leonetti moved to approve the remainder of the license renewal applications. Mr. Rhodes seconded the motion.

DISCUSSION: There was no discussion on the motion.

VOTE: The motion passed unanimously by voice vote.

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

a. Update on 5-Year Rules Review.

Ms. Penttinen had previously provided to the Board members a copy of the review report which was completed by Kathleen Phillips. It is essentially advisory for the Board members at this point. The next step is for Ms. Penttinen to submit the report to GRRC and then begin the rule-making process which the Board has until December 2014 to complete.

b. Open complaint status report.

Ms. Penttinen reviewed the report indicating that there are currently 56 open complaints. She advised that Dr. Cohn is now available again to begin reviewing complaint cases. Dr. Leonetti advised that Mark Forman, DPM may be interested in working with the Board to review complaints. Ms. Penttinen will contact him. There was brief discussion about grouping some of the cases and taking them out of order (in regard to when they were received) to address licensees who have multiple complaints or have been referred to formal hearing.

c. 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. October 9, 2013 at 8:30 a.m.

X. Adjournment

MOTION: Dr. Leonetti moved to adjourn the meeting. Dr. Kaplan seconded the motion.

DISCUSSION: There was no discussion on the motion.

VOTE: The motion passed unanimously by voice vote and the meeting was adjourned at 10:08 a.m.