



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**

October 9, 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 8:35 a.m.

#### **II. Roll Call**

Ms. Penttinen and Mr. Tellier were present in the conference room. Mr. Rhodes was absent. All other Board members were present via teleconference.

#### **III. Approval of Minutes**

##### **a. September 11, 2013 Regular Session Minutes.**

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

DISCUSSION: There was no discussion on the motion.

VOTE: Ms. Miles abstained from voting because she was not present at the September meeting. The motion passed by voice vote.

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

There were no new complaints to review.

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

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

The Board reviewed the progress report from Dr. Sucher dated October 1, 2013 which indicates that Dr. Brown is in compliance with all monitoring requirements. Ms. Penttinen advised that no drug test results were requested this month.

##### **b. 11-09-M – Kelvin Crezee, DPM: Monthly update.**

The Board reviewed the sample surgical consent form that Dr. Crezee developed relating to the action taken by the Board in this case regarding wrong-site surgery. Dr. Leonetti stated it is very minimal but adequate. Dr. Campbell agreed. Dr. Kaplan stated that the possible risks and complications listed on this form are very specific to the procedure listed and may not apply to other procedures. Ms. Penttinen added that there are portions of the document in bold font, including the procedure and complications, which may indicate that those items can be changed for each different procedure. Dr. Leonetti stated he would have expected a more detailed form, but this is not really a Board issue. Ms. Penttinen added that she will follow-up with Dr. Crezee to verify that he actually conducts the seminars he is required to do.

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

Ms. Penttinen advised that the last report from Dr. Stone was received last month so the next one is due in December. At this time the Board is only verifying that she is continuing with her counseling requirement.

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

a. **Review of new license applications for:**

- i. Dr. Eugene DeLaCruz.
- ii. Dr. Patricia Kirk.
- iii. Dr. Nima Sana.
- iv. Dr. Joanna Wyman.

Dr. Leonetti advised that he had reviewed all of the license applications and they all meet the new license requirements. Ms. Penttinen clarified for Dr. Leonetti that Dr. Kirk once practiced in Arizona but has been in other states for the last two years. License verifications from those states indicate that she was in good standing with no disciplinary actions.

MOTION: Dr. Kaplan moved to approve each of the applications and grant license pending successful completion of the oral exam. Dr. Campbell 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. **Open complaint status report.**

Ms. Penttinen advised that she received one new complaint in the last month so the total is now 56 open cases. She also stated that she has been in touch with Dr. Mark Forman and he has accepted the investigation consulting agreement, so the Board now has three investigators.

b. **Legislation: House Bill 2045. Posting of fees for "direct pay prices" charged by healthcare providers.**

Ms. Penttinen explained that this bill goes into effect on January 1, 2014. It requires healthcare providers and facilities to develop a list of prices for cash-pay patients for their 25-most common services. The list can be posted in their office or facility, but can be posted on a website. Failure to do so would be considered an act of unprofessional conduct; however, there is no provision in the bill for who will be monitoring or enforcing this. Dr. Campbell pointed out that this bill does not apply to healthcare providers who own or are employed by an entity with fewer than three healthcare practitioners. Dr. Leonetti advised the other Board members that a very similar bill was introduced last year but the Governor vetoed it. However, when it came up again this year the lobbyist for the AzPMA did not advise the association that it would only apply to offices of three practitioners or more. He will check with the lobbyist to confirm. The Board members inquired as to which healthcare providers, other than podiatrists, are included. Ms. Penttinen stated she would research which agencies are associated with the chapters of providers which are listed in the bill.

c. **Malpractice case report**

- i. Don Sumway, DPM: Report of settlement regarding alleged nerve damage caused during surgery.

The Board members reviewed the report from the National Practitioner Data bank which indicates that a malpractice case against Dr. Shumway was settled in favor of the patient. The Board members directed Ms. Penttinen to review Dr. Shumway's license renewal applications to ensure that he disclosed when the case was originally filed. The Board members also want to investigate this case if it was not already done.

MOTION: Dr. Leonetti moved to open a complaint investigation case if not already investigated. Ms. Miles seconded the motion.

DISCUSSION: There was no discussion on the motion.

VOTE: The motion passed unanimously by voice vote.

**VIII. Call To The Public**

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

**IX. Next Board Meeting Date:**

a. November 13, 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 9:10 a.m.