



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**

April 9, 2014 8:35 a.m.  
1400 West Washington St., B1  
Phoenix, AZ 85007

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

Staff: Sarah Penttinen, Executive Director

Assistant Attorney General: John Tellier

The agenda items were not reviewed in the order in which they appear in the minutes.

**I. Call to Order**

Dr. Campbell called the meeting to order at 8:49 a.m.

**II. Roll Call**

All Board members were present as well as Ms. Penttinen and Mr. Tellier.

**III. Approval of Minutes**

**a. March 12, 2014 Regular Session Minutes.**

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

DISCUSSION: There was no discussion on the motion.

VOTE: The motion passed unanimously by voice vote.

**b. March 12, 2014 Executive Session Minutes.**

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.

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

**a. 12-13-B – Todd Gunzy, DPM: Practice below the standard of care for improper surgery.**

Dr. Gunzy was not present but was represented by attorney Bruce Crawford. Dr. Jerome Cohn was the investigator for the case and was present.

MOTION: Dr. Leonetti moved to dismiss the case finding no violations. Dr. Campbell seconded the motion.

DISCUSSION: There was no discussion on the motion.

VOTE: The motion passed unanimously by voice vote.

**b. 12-23-C – Thersh Udupa, DPM: Practice below the standard of care for improper prescribing of ibuprofen.**

Dr. Udupa was Present with attorney Bruce Crawford. Dr. Mark Forman as the investigator for the case and was present.

MOTION: Ms. Miles moved to offer Dr. Udupa a consent agreement for a Decree of Censure for violation of A.R.S. §32-854.01(20) for improper prescribing of ibuprofen. If the consent agreement is not accepted within thirty days of receipt then the matter would be moved to an Informal Hearing. Dr. Kaplan seconded the motion.

DISCUSSION: There was not discussion on the motion.

VOTE: The motion passed unanimously by roll call vote.

**c. 12-28-C – Joseph Dobrusin, DPM: Practice below the standard of care for improper post-operative care.**

Dr. Dobrusin was present with attorney Elizabeth Peterson. Dr. Jerome Cohn was the investigator for the case and was present.

MOTION: Dr. Leonetti moved to dismiss the case finding no violation. Dr. Kaplan seconded the motion.

DISCUSSION: There was no discussion on the motion.

VOTE: The motion passed unanimously by voice vote.

**d. 13-26-C – James Longton, DPM: Excessive conservative treatment without success; refusal to perform surgery.**

Dr. Longton was not present. Dr. Mark Forman was the investigator for the case and was present.

MOTION: Dr. Campbell moved to dismiss the case finding no violation. Dr. Kaplan seconded the motion.

DISCUSSION: There was no discussion on the motion.

VOTE: The motion passed unanimously by voice vote.

**e. 14-06-C – Jessica Prebish, DPM: Failing to inform a minor patient's parent of injuries to the feet.**

Dr. Prebish was present. Dr. Mark Forman was the investigator for the case and was present.

MOTION: Ms. Miles moved to dismiss the case finding no violations. Mr. Rhodes seconded the motion.

DISCUSSION: There was no discussion on the motion.

VOTE: The motion passed unanimously by voice vote.

**f. 14-08-B – Kelvin Crezee, DPM: Violating any formal order, probation or stipulation issued by the Board.**

MOTION: Dr. Leonetti moved to administratively close this case. Ms. Miles seconded the motion.

DISCUSSION: There was no discussion on the motion.

VOTE: The motion passed unanimously by voice vote.

**g. 14-09-B – Janna Kroleski, DPM: Habitual misuse of prescription-only medication / use of prescription-only medication for other than accepted therapeutic reasons; engaging in prescription fraud by writing prescriptions for herself using her husband's name; allowing another podiatrist to violate the provisions of the podiatry scope of practice.**

Dr. Kroleski was present with attorney Blake Mayes. Ms. Penttinen was the investigator for the case.

MOTION: Dr. Campbell moved to go into Executive Session for the purpose of discussing confidential health information of Dr. Kroleski. Ms. Miles seconded the motion.

DISCUSSION: There was no discussion on the motion.

VOTE: The motion passed unanimously by voice vote and the Board adjourned into Executive Session at 11:38 a.m.

The Board returned to Regular Session at 11:55 a.m.

MOTION: Ms. Miles moved to go into Executive Session for the purpose of obtaining legal advice. Dr. Kaplan seconded the motion.

DISCUSSION: There was no discussion on the motion.

VOTE: The motion passed unanimously by voice vote and the Board adjourned into Executive Session at 12:21 p.m.

The Board returned to Regular Session at 12:25 p.m.

MOTION: Ms. Miles moved to offer Dr. Kroleski a consent agreement in relation to violation of A.R.S. §32-854.01(13) with the following terms and conditions: Suspension until such time as the Board receives a report from a Board-approved addiction medicine specialist affirmatively stating that she is safe to practice; probation for two years, obtaining a Board-approved addiction medicine specialist to oversee her medical care, including enrollment within 30 days of the effective date of the agreement in random urine drug screen program at a frequency determined by the specialist but no less than one per month; abstinence from any unauthorized use of illegal drugs, and controlled substances unless prescribed by a physician for a lawful course of treatment; abstinence from all alcohol; completion of a 36-hour course in substance abuse education, a plan for which must be submitted within 30 days of the effective date of the agreement and which must be completed within six months of the effective date of the agreement; completion of all necessary release of information forms for the Board to ensure compliance with the agreement; availability to appear before the Board upon reasonable notice for interviews related to the agreement; obey all laws governing podiatry in Arizona; and bear all costs of complying with the agreement. If Dr. Kroleski does not accept the agreement within 20 days of her receipt of the agreement then the matter will be referred to a formal hearing. Dr. Kaplan seconded the motion.

DISCUSSION: There was no discussion on the motion.

VOTE: The motion passed unanimously by voice vote.

MOTION: Ms. Miles moved to open a complaint case for Dr. Mia Horvath to investigate potential violations related to her prescribing medication to Dr. Kroleski. Dr. Kaplan seconded the motion.

DISCUSSION: There was brief discussion among the Board members concluding in general agreement that the Board has a responsibility to investigate Dr. Horvath's actions as they pertain to the information related to Dr. Kroleski.

VOTE: The motion passed 4-1 by voice vote with Mr. Rhodes dissenting.

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

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

Ms. Penttinen advised that the last progress report from Dr. Sucher was received in February so the next report is due in May. In the mean time she has not received any reports of non-compliance.

### **b. 13-05-B – Kathleen Stone, DPM: Monthly update and request to amend Consent Agreement.**

Dr. Stone was present with attorney Bruce Crawford. The Board reviewed a request from Dr. Stone to terminate her probation or otherwise modify her consent agreement. Dr. Stone stated the reasons for her request were mainly financial in that she has been dropped from participation with several health insurance companies. She also stated she has had financial hardship in relation to the costs of her drug testing. Dr. Stone added that she has been compliant with all monitoring requirements, some of which she initiated prior to the effective date of the consent agreement. After brief discussion the Board members agreed to table this matter until the May 14, 2014 Board meeting. Prior to that meeting Dr. Stone will obtain a report from Dr. Sucher regarding his opinion and / or recommendations regarding the need for continued monitoring. Dr. Stone also will contact her counselor to have that person submit to

the Board a report regarding any ongoing need for counseling as it relates to the terms of the consent agreement.

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

**a. Follow-up information regarding medical nail technicians.**

Dr. Campbell reviewed the additional information she received from the Medinail Learning Center which already had been distributed to the Board members for review. This information was only an "FYI" at this time and no Board action was taken.

**b. Mark Pipher, DPM: Self-report pursuant to A.R.S. §32-3208.**

The Board members reviewed the information self-reported by Dr. Pipher indicating he was arrested and charged with DUI related to alcohol consumption. Ms. Penttinen confirmed that the report was received within the 10-day requirement of A.R.S. §32-3208.

MOTION: Ms. Miles moved to open a complaint case to investigate Dr. Pipher for possible substance abuse issues. Dr. Campbell seconded the motion.

DISCUSSION: There was no discussion on the motion.

VOTE: The motion passed unanimously by voice vote.

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

i. Warren Joseph, DPM.

ii. Kaveh Panahi, DPM.

iii. David Zarkou, DPM.

MOTION: Dr. Campbell moved to approve each of the applicants listed to sit for the oral exam and issue their license upon successful completion thereof. Ms. Miles seconded the motion.

DISCUSSION: There was no discussion on the motion.

VOTE: The motion passed unanimously by voice vote.

**d. Malpractice case report. (None at this time.)**

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

**a. Open complaint status report.**

Ms. Penttinen reviewed that there are currently 67 open complaints including those which were on today's agenda.

**VIII. Call To The Public**

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

**IX. Next Board Meeting Date:**

a. May 14, 2014 at 8:30 a.m.

**X. Adjournment**

MOTION: There being no other business before the Board, Dr. Campbell 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 1:17p.m.