



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

DRAFT BOARD MEETING MINUTES

May 14, 2014; 8:30 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

The meeting was called to order at 8:30 a.m.

II. Roll Call

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

III. Approval of Minutes

a. April 9, 2014 Special Meeting Minutes.

MOTION: Ms. Miles moved to approve the minutes with a correction to include in the motion that the seminar to be performed by Dr. Crezee must be open to all podiatrists to attend. Dr. Kaplan seconded the motion.

DISCUSSION: There was no discussion on the motion.

VOTE: The motion passed unanimously by voice vote.

b. April 9, 2014 Regular Session Minutes.

MOTION: Dr. Campbell moved to approve the minutes with typographical corrections and to reflect that the attorney representing Dr. Dobrusin was Elizabeth Peterson and not Bruce Crawford. Ms. Miles seconded the motion.

DISCUSSION: There was no discussion on the motion.

VOTE: The motion passed unanimously by voice vote.

c. April 9, 2014 Executive Session Minutes.

MOTION: Ms. Miles moved to go into Executive Session for the purpose of obtaining legal advice and discussion of Executive Session minutes. Dr. Leonetti 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 8:43 a.m.

The Board returned to Regular Session at 8:53 a.m.

MOTION: Ms. Miles moved to approve the minutes with the addition of indicating that Dr. Kroleski and her attorney were both present during the session. Dr. Leonetti seconded the motion.

DISCUSSION: There was no discussion on the motion.
VOTE: The motion passed unanimously by voice vote.

d. **April 22, 2014 Teleconference Regular Session Minutes.**

MOTION: Dr. Kaplan moved to approve the minutes as drafted. 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. **12-01-C – Steven Born, DPM: Review of proposed consent agreement terms and additional information submitted by Dr. Born’s attorney.**

Attorney James Cool was present on behalf of Dr. Born. Dr. Born had submitted information to the Board regarding his health status and the consent agreement previously offered to him by the Board.

MOTION: Dr. Campbell moved to go into Executive Session for the purpose of discussing Dr. Born’s confidential personal health information. Mr. Rhodes 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 9:00 a.m.

The Board returned to Regular Session at 9:02 a.m.

Mr. Cool stated that Dr. Born cannot comply with the terms previously offered by the Board; however, he would like to resolve the case and is amenable to surrendering his license.

MOTION: Ms. Miles moved to amend the consent agreement offered to Dr. Born to allow for the voluntary surrender of his license. Also to be included in the amended agreement is the stipulation that Dr. Born would be prohibited from re-applying for a license for a period of five years; if he does re-apply and is approved his license would be subject to the same terms and conditions as previously offered. The motion included the requirement that Dr. Born has ten days from the date of receipt of the amended agreement to accept it or the matter will be referred to Formal Hearing. Dr. Kaplan seconded the motion.
DISCUSSION: There was no discussion on the motion.
VOTE: The motion passed unanimously by voice vote.

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

a. **09-20-C and 11-01-C – Kevin O’Brien, DPM: Status of proposed consent agreement.**

Ms. Penttinen advised that when she sent the cover letter with the proposed consent agreement she neglected to specify the thirty day period for Dr. O’Brien to accept it. When she followed up with his attorney the time period was acknowledged but still had not been documented in the correspondence. That time frame has now been addressed and it should be received back from Dr. O’Brien by next month’s Board meeting. Dr. O’Brien’s attorney indicated that Dr. O’Brien was willing to accept the agreement. Ms. Penttinen will continue to follow up.

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

Ms. Penttinen reviewed the latest progress report from Dr. Sucher which is dated April 9, 2014 but was not received in time to review at the April meeting. The report indicates that Dr. Brown is in compliance with all monitoring requirements. The Board member would like Dr. Brown to appear before the Board for a probation interview at the August Board meeting.

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

Ms. Penttinen advised that this morning she received from Bruce Crawford the consent agreement which has been signed by Dr. Crezee. It will be signed today.

d. **13-05-B – Kathleen Stone, DPM: Monthly update and review of request to terminate probation.**

The Board members reviewed a request from Dr. Stone to terminate her probation. The Board also reviewed information submitted by monitor Dr. Michel Sucher which states his opinion that monitoring is

no longer necessary, as well as information from Dr. Stone's counselor which states that Dr. Stone is no longer in need of her services for the matters related to her consent agreement.

MOTION: Dr. Kaplan moved to terminate Dr. Stone's probation effective immediately. Mr. Rhodes seconded the motion.

DISCUSSION: There was no discussion on the motion.

VOTE: The motion passed unanimously by voice vote.

e. 14-09-B – Janna Kroleski, DPM: Status of proposed consent agreement.

Ms. Penttinen advised that she had received the signed consent agreement back from Dr. Kroleski. It will be signed by Dr. Campbell today. The Board members also reviewed information submitted Dr. Kroleski for the Scottsdale Treatment Institute where she would like to complete the 36 education hours required by the consent agreement.

MOTION: Ms. Miles moved to approve the Scottsdale Treatment Institute education program. She also would like Board staff to forward a copy of the executed consent agreement to Dr. Kroleski's current treating physician and obtain from him his opinion regarding any need for counseling. Dr. Campbell Seconded the motion.

DISCUSSION: There was no discussion on the motion.

VOTE: The motion passed unanimously by voice vote.

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

a. CME approval request from APMA for annual Scientific Meeting.

The Board members reviewed information submitted by the American Podiatric Medical Association for their 2014 Annual Scientific Meeting. APMA is requesting that this meeting be approved for 25 hours of CME.

MOTION: Dr. Kaplan moved to approve the meeting for 25 hours of CME. Ms. Miles seconded the motion.

DISCUSSION: There was no discussion on the motion.

VOTE: The motion passed unanimously by voice vote.

b. Formatting of Board meeting minutes.

Dr. Leonetti had submitted for review copies of minutes from the Arizona Medical Board and the California Podiatry Board. Those minutes are formatted with minimal detail but include specifics on final actions taken. There was brief discussion regarding retention of the audio recordings of this agency's meetings if the minutes were to be done in a similar fashion. Because non-disciplinary actions remain on a licensee's profile for five years, there was agreement among the Board members that audio recordings of meeting should also be retained for five years and would be available to the public upon request. All Board members were in agreement with this change. Mr. Tellier advised that this would be an acceptable form of completing minutes in relation to Open Meeting Laws and publicly available information.

MOTION: Ms. Miles moved to amend the Board's current records retention policy to retain audio recordings of Board meeting regular sessions for five years. Dr. Kaplan seconded the motion.

DISCUSSION: There was no discussion on the motion.

VOTE: The motion passed unanimously by voice vote.

c. House Bill 2087 regarding training for members of boards and commissions.

Ms. Penttinen advised that this bill has been signed by the Governor. It requires all members of boards and commissions to complete a 12-hour course on various subjects of governance. This is in addition to the training already required upon initial appointment. He had contacted the Governor's office to obtain information regarding the reasoning behind the bill and was not able to gather any information. The bill allows a great deal of latitude regarding the format of the training and who can conduct it. The training company CLEAR has put together a course which would satisfy all of the requirements of this bill but the cost is over \$200.00 per person. Ms. Penttinen stated that this agency does has the financial ability to

pay for that for each of our Board members; however, it may not be a viable option for future appointees. She has been speaking with other agency directors and all are trying to come up with a course plan that would satisfy the requirements of the bill and also be readily available and reproducible in the future. Mr. Tellier advised that the Attorney General's Office also is working on putting course information together. Ms. Penttinen stated she will continue to work on it and will keep the Board updated.

d. Review of new license applications for:

- i. Sunghwan Byun, DPM
- ii. Adam Caton, DPM
- iii. David Gooch, DPM
- iv. Ruth Kosak, DPM
- v. Elizabeth Kroboth, DPM
- vi. Marisse Lardizabal, DPM
- vii. John Limanowski, DPM
- viii. Steven Moore, DPM
- ix. Jesse Olson, DPM
- x. Ryan Payne, DPM
- xi. Kyle Peterson, DPM
- xii. Evan Simonson, DPM
- xiii. Eric Sluiter, DPM
- xiv. Troy Wilde, DPM

MOTION: Ms. Miles moved to allow Dr. Moore to sit for the oral exam on June 11, 2014 but to issue a Substantive Deficiency regarding why he failed to disclose his current Indiana license on his Arizona license application and to request additional information regarding the circumstances surrounding his submission of two separate application forms. Dr. Leonetti seconded the motion.

DISCUSSION: It was agreed that Dr. Moore should be asked to submit a written response to the Substantive Deficiency prior to the meeting so the Board members would have time to review it. Dr. Moore also is asked to appear before the Board following the oral exam to discuss his application.

VOTE: The motion passed unanimously by voice vote.

MOTION: Dr. Campbell moved to allow each of the other applicants listed above to sit for the oral exam and to approve their license applications 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.

e. Review of license renewal applications for the following podiatrists:

John Charski
Sanford Chesler
Donald Chudy
Brian Dechowicz
Alan Discont

Erwin Friedman
Petrusia Howansky
Edward Kelly
Joseph Knochel
Gregg Krahn

Duane Kratzer
Bruce Levin
Paul Selander
Lee Zielsdorf

MOTION: Dr. Campbell moved to approve the license renewal applications for each of the listed licensees. Ms. Miles seconded the motion.

DISCUSSION: There was no discussion on the motion.

VOTE: The motion passed unanimously by voice vote.

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

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

a. Open complaint status report.

The Board reviewed the report which indicates that there are currently 68 open complaints. There were five new complaints received in the last month.

b. **Status of lawsuit filed by Steven Montes, DPM.**

Ms. Penttinen advised the Board that this matter remains ongoing. Because Mr. Montes is representing himself, the courts have indulged him in many extensions and latitude in filing his various motions and appeals. The most recent update from the Attorney General Representative who is representing the Board in this matter indicates that the case soon should be disposed of on a motion to dismiss.

VIII. Call To The Public

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

IX. Next Board Meeting Date:

a. June 11, 2014 at 8:00 a.m.

X. Adjournment

MOTION: There being no other business before the Board, Ms. Miles moved to adjourn the meeting. Mr. Rhodes 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 10:18a.m.