



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

July 9, 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 8:34 a.m.

II. Roll Call

Mr. Rhodes and Ms. Miles were present by phone. All other Board members were present, as well as Ms. Penttinen and Mr. Tellier.

III. Approval of Minutes

a. June 11, 2014 Regular Session Minutes.

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

DISCUSSION: There was no discussion on the motion.

VOTE: The motion passed unanimously by voice vote.

b. June 11, 2014 Executive Session Minutes.

MOTION: Dr. Kaplan moved to approve the minutes. Dr. Leonetti 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 – Probation / Disciplinary Matters

a. 09-20-C and 11-01-C – Kevin O'Brien, DPM: monthly update.

Ms. Penttinen reviewed that Dr. O'Brien had previously submitted a request to modify the consent agreement to allow him to continue performing soft tissue procedures in the ankle and only be prohibited from osseous procedures. His attorney had been advised that the Board denied that request, and the attorney requested another copy of the proposed agreement which has delayed Dr. O'Brien's acceptance of it. There is now confusion with regard to the time frame in which the Board had previously voted to allow Dr. O'Brien to accept the agreement considering the modification requests that have been made.

MOTION: Dr. Leonetti moved to allow Dr. O'Brien until July 18, 2014 to accept the agreement and it must be received in the Board's office by that date. Dr. Kaplan seconded the motion.

DISCUSSION: There was no discussion on the motion.

VOTE: The motion passed unanimously by voice vote.

b. 09-17-B – J. David Brown, DPM: Monthly update and request for early termination of probation.

Dr. Brown was present with attorney Bruce Crawford. The Board reviewed a request submitted by Dr. Brown to terminate his probation early. Under his consent agreement his probation is scheduled to terminate on October 13, 2014. The Board also reviewed the most recent progress report from Dr. Michel Sucher which indicates Dr. Brown is in compliance with all monitoring requirements.

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

DICSUSSION: There was no discussion on the motion.

VOTE: The motion passed unanimously by voice vote and the Board adjourned into Executive Session at 8:38 a.m.

The Board returned to Regular Session at 8:46 a.m.

MOTION: Dr. Leonetti moved to approve Dr. Brown's request for early termination of his probation effective today. Dr. Kaplan seconded the motion.

DISCUSSION: Dr. Leonetti commented that the Board's primary purpose is to protect the public, and he feels Dr. Brown has done well both in addressing the problems which led to the consent agreement and in complying with the agreement requirements. He feels that another three months of probation or monitoring would result in the same action for which he moved and that the public remains protected.

VOTE: The motion passed unanimously by voice vote.

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

Dr. Crezee was not present but was represented by attorney Bruce Crawford who stated the following: He had erred by not sending correspondence to the Board by June 8, 2014 regarding Dr. Crezee's efforts to comply with his consent agreement. Dr. Crezee has been working with Midwestern University to arrange completing his seminar there, potentially on September 3. All members of the podiatry community have been invited to attend, but Dr. Crezee is awaiting documentation to confirm that arrangement. He did not realize until today that the compliance date of June 8 had passed.

Ms. Penttinen clarified for the Board members that under the amendment to the consent agreement Dr. Crezee was given an extension until October 9, 2014 to complete the seminar on wrong site surgery. However, by June 8 he was supposed to submit to the Board his plan for completing the seminar including content, location, and intended audience. That amendment was approved by the Board on April 9, 2014 at which time Dr. Crezee and Mr. Crawford were both present. Following Dr. Crezee's acceptance of the amendment, it was executed by Dr. Campbell on May 14. Ms. Penttinen also confirmed that as of today she has not received anything from Dr. Crezee. Mr. Crawford stated it was his mistake in not sending correspondence to the Board regarding this matter. Dr. Leonetti stated it was Dr. Crezee's responsibility.

MOTION: Ms. Miles moved to open a complaint case for Dr. Crezee for non-compliance with the consent agreement. Mr. Rhodes seconded the motion.

DICSUSSION: Ms. Penttinen clarified for Dr. Leonetti that the present case is the only disciplinary action at this time and is concluded; the motion at this time is to open a new case to determine if Dr. Crezee failed to comply with the terms of that agreement.

VOTE: The motion passed unanimously by voice vote.

d. 14-09-B – Janna Kroleski, DPM: Monthly update.

Ms. Penttinen advised that there have been no changes or issues of non-compliance. The Board is awaiting proof of Dr. Kroleski's compliance with the educational classes required under her consent agreement, but she still has time to complete that.

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

a. Groupon advertisement from Deo Rampertab, DPM.

The Board reviewed an advertisement found on Groupon which indicates Dr. Rampertab is offering treatment for fungal toe nail infections. Ms. Penttinen confirmed for the Board members that the

Substantive Policy Statement regarding fee splitting was adopted in September 2013 and all licensees were sent an advisory of the SPS via regular mail.

MOTION: Dr. Kaplan moved to open a complaint case against Dr. Rampertab to investigate possible fee splitting. Dr. Leonetti seconded the motion.

DISCUSSION: There was no discussion on the motion.

VOTE: The motion passed unanimously by voice vote.

b. Review of contact from former license applicant Donald Burdick, DPM to Dr. Joesph Leonetti.

The Board members reviewed an email that was sent to Dr. Leonetti's office from Dr. Donald Burdick who previously applied for a license but was denied. The email was very inflammatory and contained threats. The Board members discussed with Mr. Tellier the possibility of obtaining a restraining order preventing Dr. Burdick from contacting any Board members or Board staff. Ms. Penttinen advised that she still has been unable to obtain a copy of the report from Capitol Police from the last time Dr. Burdick contacted her which was on April 1, 2014. After being advised of the email sent to Dr. Leonetti she again contacted Capitol Police who told her that Phoenix Police would be the appropriate law enforcement agency because that email was sent to his business office. However, she and Dr. Leonetti believe this should be a Capitol Police issue because the context of the contact from Dr. Burdick has been in relation to Dr. Leonetti's actions as a Board member.

Mr. Tellier advised that he believes there is sufficient information to obtain some type of injunction against harassment from Dr. Burdick. There was brief discussion regarding whether or not Board members' home addresses should be included.

MOTION: Mr. Rhodes moved to have Mr. Tellier file an injunction against harassment from Dr. Burdick for all Board members' office addresses and phone numbers, as well as the Board's Executive Director and the office location. Dr. Kaplan seconded the motion.

DISCUSSION: Ms. Miles stated she did not want her name or personal information included with any type of court action in this matter.

VOTE: The motion passed 4-1 with Ms. Miles dissenting.

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

Raziuddin Ahmed
Brian Allen
Robert Andersen
Steven Axt
David Bates
Justin Beabes
Kenneth Blocher
Erich Bock
Scott Boggs
Raymond Botte
Mark Brekke
Brian Broadhead
William Burke
Ana Burns
Zina Cappiello
Alan Carlson
Robert Chiarello
Dean Clement
Karl Collins
John Cox
Samuel Cox
Scott Crampton
Kelvin Crezee
Joseph DeRose
Michael Dershowitz
John DiMaggio
Kris DiNucci
Richard Donela
Payman Elison
Viedra Elison

Michael Esber
Robert Evans
Kamran Farahani
Dale Feinberg
Barton Fink
Mark Forman
Michael Fox
Gary Friedlander
Robert Frykberg
Daniel Fulmer
Melissa Galli
James Garber
Stephen Geller
Kelley Gillroy
Mark Gorman
Julia Granone
Arnold Gross
Marisa Haddad
Thomas Hale
Hugh Hall
Jarrett Hamilton
John Harlan
Brad Hayman
Ronaldo Holgado
Steven Hollander
Mia Horvath
Brian Hutcheson
David Jaffe
Mikkel Jarman
Travis Jensen

Nathan Jeppesen
Kristina Jezidzic
Gail Johnson
Jacob Jones
Matthew Jones
Noland Jones
Sanford Kaner
Ira Kaufman
Lee Keenen
Nicole Kessel
Patricia Kirk
Barbara Kluger
Janna Kroleski
Adam Kruczay
Teisha Kubala
Jay Larson
David Laurino
Kimberly Leach
David Lee
Joseph Leonetti
James Longton
Therese Losi
Andrew Lowy
Frank Maben
Ryan Mackey
Verlan Marshall
Jeffrey McAlister
Cathleen McCarthy
Ivan McLaws
Paul McMaster

Floyd Miller
Lois Miller
Hartley Miltchin
Richard Mott
Craig Murad
Peter Myskiw
Ronald Nagy
Anna Natcher
Glenn Nelson
Bradley Newswander
Vu Nguyen
Spencer Niemann
Brent Nixon
Dennis Noss
Rachel O'Connor
Mark Olsen
Roland Palmquist
Raymond Peterson
Tawnya Pfitzer
Kelly Pirozzi
John Powers
Jessica Prebish
Richard Quint
Ralph Rabin

Deo Rampertab
Kelly Reber
Trena Reed
Jeffrey Resnick
Gordon Rheaume
Kathleen Richards
Brett Roeder
M.A. Roslaes
Michael Rosenblum
Kenneth Rowe
Karyn Sallus
Blair Sandall
Daniel Schulman
Ryan Scott
Arthur Seidner
Timothy Sekosky
Allen Sherman
Alan Shih
James Shoffer
Timothy Short
Kendall Shumway
Donald Siegel
Karen Smith
Martin Smith

Michael Stegman
Kathleen Stone
Antonius Su
Christopher Suykerbuyk
Arthur Tallis
Selena Tang
John Tassone
Wesley Taxier
Robert Taylor
George Thaler
Chad Thompson
Eric Trattner
Thomas Troy
Jeffrey Weiss
Mark Weissfeld
Bruce Werber
Bradley Whitaker
Margaret Withrow
Arnold Wolf
Kimberly Wolfensperger
Wesley Yamada
Daphne Yen-Douangmala
Serrina Yozsa
Robert Zachow

Dr. Leonetti recused from the review of his license renewal application. Mr. Rhodes was no longer present.

MOTION: Dr. Kaplan moved to approve the application. Dr. Campbell seconded the motion.

DISCUSSION: There was no discussion on the motion.

VOTE: The motion passed unanimously by voice vote.

Ms. Miles and Mr. Rhodes were not present for the review of the remainder of renewal applications.

MOTION: Dr. Leonetti moved to issue a Substantive Deficiency to Drs Karyn Sallus, David Lee, John Powers, and Chad Thompson. Dr. Campbell seconded the motion.

DISCUSSION: There was no discussion on the motion.

VOTE: The motion passed unanimously by voice vote.

MOTION: Dr. Kaplan moved to open complaint cases for Drs. Michael Dershowitz and Brad Hayman based on malpractice cases disclosed on their renewal applications. Dr. Campbell seconded the motion.

DISCUSSION: There was no discussion on the motion.

VOTE: The motion passed unanimously by voice vote.

MOTION: Dr. Kaplan moved to approve the renewal applications of all others not specifically mentioned above. Dr. Campbell 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.)

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

a. Open complaint status report.

The Board members reviewed the report and case number 12-01-C against Dr. Steven Born. Dr. Born is now deceased. The Board members agreed to administratively close that case with any advisory to the complainant. There are currently 67 open complaints in process.

VII. **Call To The Public**

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

VIII. Next Board Meeting Date:

- a. August 13, 2014 at 8:30 a.m.

IX. Adjournment

MOTION: Dr. Kaplan moved to adjourn the meeting. Dr. Campbell 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 10:27a.m.