



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

August 13, 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 or order at 8:36 a.m.

II. Roll Call

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

III. Approval of Minutes

a. July 9, 2014 Regular 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.

b. July 9, 2014 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 (NOTE: The subject matter listed for each agenda item represents the allegation(s) being investigated. The presence of allegations does not automatically indicate violation of Statute or Rule in connection with the practice of podiatry.)

a. 11-20-C – John Powers, DPM: Practice below the standard of care for improper treatment of ankle pain.

Dr. Powers was present with attorney Kathleen Rogers. Dedrie Polokof, DPM was the investigator and was present.

MOTION: Dr. Kaplan 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.

b. 12-20-C – Richard Jacoby, DPM: Refusing to provide a pain medication prescription.

Dr. Jacoby was not present. Jerome Cohn, DPM was the investigator for the case and was present.

MOTION: Dr. Kaplan moved to dismiss the case finding no violations. Ms. Miles seconded the motion.

DISCUSSION: There was no discussion on the motion.

VOTE: The motion passed unanimously by voice vote.

c. 13-23-C – Serjik Nazarian, DPM: Practice below the standard of care for improper hammertoe correction.

Dr. Nazarian was not present. Dr. Jerome Cohn was the investigator for the case and was present.

MOTION: Dr. Kaplan 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.

d. 14-17-B – Mia Horvath, DPM: Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of or conspiring to violate any provision of this chapter.

Dr. Horvath was present with attorney Joseph Kendhammer. Ms. Penttinen was the investigator for the case and summarized her findings.

MOTION: Ms. Miles moved to dismiss this case with a Letter of Concern for failure to maintain adequate records. Dr. Campbell seconded the motion.

DISCUSSION: There was no discussion on the motion.

VOTE: The motion passed unanimously by voice vote.

e. 14-24-B – Daniel Bangart, DPM: Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of or conspiring to violate any provision of this chapter.

Dr. Bangart was present with attorney Brent Peugnet. Ms. Penttinen was the investigator for the case and presented her findings.

MOTION: Dr. Campbell moved to offer Dr. Bangart a consent agreement for a Decree of Censure. Dr. Kaplan seconded the motion.

DISCUSSION: Ms. Miles stated she feels a Decree of Censure is not sufficient due to the demonstration of Dr. Bangart's character in this case. She suggested a short period of suspension and possibly a civil penalty. The Board confirmed that the specific finding of violation is A.R.S. §32-854.01 (22) via A.R.S. §32-852(A)(2).

VOTE: There was no vote on this motion.

MOTION: Dr. Kaplan moved to go into Executive Session for the purpose of obtaining legal advice. 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 9:44 a.m.

The Board returned to Regular Session at 9:47 a.m.

Dr. Campbell withdrew her previous motion and Dr. Kaplan agreed.

MOTION: Ms. Miles moved to offer Dr. Bangart a consent agreement for a Decree of Censure and ten consecutive days of suspension to be completed within 60 days of the effective date of the agreement. The motion included the directive that if Dr. Bangart does not accept the agreement within 30 days of his receipt of the document or the matter will be referred to formal hearing. Dr. Kaplan seconded the motion.

DISCUSSION: Dr. Leonetti stated he feels there needs to be action taken in this case but he does not feel suspension is warranted. Ms. Miles reconfirmed her motion with expressed respect for the physician members' opinions. There was no further discussion.

VOTE: The motion passed 4-1 by roll call vote with Dr. Leonetti dissenting.

f. **14-26-B – Deo Rampertab, DPM: Fee splitting.**

Dr. Rampertab was present with attorney Bruce Crawford. Ms. Penttinen was the investigator for this case and presented her findings. The basis of the complaint was the use of Groupon for marketing services for treatment of fungal toenail infections.

MOTION: Dr. Kaplan moved to dismiss this case finding no violations. Ms. Miles 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. **14-09-B – Janna Kroleski, DPM: Monthly update.**

Ms. Penttinen advised there have not been any changes or updates since last month. Dr. Kaplan state that based on information received today from Dr. Horvath it appears that Dr. Kroleski may not have been completely forthright when she was investigated for improper use of prescription medication. Ms. Penttinen reviewed the specifics of that case, including the various written prescriptions, which led to disciplinary action against Dr. Kroleski.

MOTION: Ms. Miles moved to go into Executive Session for the purpose of 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 10:05a.m.

The Board returned to Regular Session at 10:13 a.m. The Board members agreed that Dr. Kroleski should be requested to appear at a future Board meeting to discuss the specifics of her complaint investigation and clarify why the Board has received varying information from both her and Dr. Horvath regarding the number of medication prescriptions she obtained.

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

a. **Review of Substantive Information for license renewal of John Powers, DPM.**

MOTION: Ms. Miles moved to approve the license renewal application. Dr. Leonetti seconded the motion.

DISCUSSION: There was no discussion on the motion.

VOTE: The motion passed unanimously by voice vote.

b. **Review of advertising agreement between Arthur Seidner, DPM and Groupon.**

The Board reviewed the Groupon agreement which Dr. Seidner submitted. That agreement indicates that the marketing services provided by Groupon will be paid for in one flat fee for a specified time period regardless of the number of vouchers or coupons purchased. The Board determined that this type of agreement does not constitute fee splitting and that no action needs to be taken.

c. **CME approval request from Southern AZ VAMC.**

The SAVAMC submitted a request for CME approval for their weekly education activities titled, "Weekly Seminar in Current Concepts in Podiatric Medicine and Surgery."

MOTION: Ms. Miles moved to approve the CME request. Dr. Leonetti seconded the motion.

DISCUSSION: There was no discussion on the motion.

VOTE: The motion passed unanimously by voice vote.

d. **Review of license renewal applications for the following podiatrists:**

Suzanne Abraham
William Accomando
Gary Almas
Barbara Aung

M.Benjamin-Swonger
Rodney Berkey
David Berman
Raymond Bock

Joseph Borreggine
Joel Bowen
Catherine Brigandi
Randall Brower

J. David Brown
Steven Burns
Sheharyar Chaudry
Douglas Cohen
Jeffrey Copoloff
David Corcoran
Michael Costantino
Laureen Cota
Donald Curtis
Evan Cwass
Rajesh Daulat
Eugen DeLaCruz
Carlos Dimidjian
Samuel Dolnick
Joseph Domanico
Dustin Doyle
Jessica Duggan
John Erotas
Susan Erredge
Albert Eulano
Michael Farkas
Patrick Farrell
Timothy Fisher
April Glesinger

Ryan Golub
Daniel Hsu
Adam Isaac
Richard Jacoby
Paul Keller
Ronald Killian
Jonathan King
Jeffrey Kleis
Alan Kravitz
Kirk Larkin
Paul Ledesma
David Lee
Gregory loo
Cindy Mann
Steven Mann
Mary Maselli
Pierre Momjian
Stefan Mudryj
Robin Myers
Lisa Pallini
Matthew Pettengill
Mark Pipher
Scott Price
Joyce Ratner

Hewitt Reese
J. Barton Ripperger
Bryan Roth
Karyn Sallus
V. Seater-Benson
Paul Shapiro
Glenn Silverstein
James Stocker
Andrew Straley
Chad Thompson
Tanya Thoms
Edward Tierney
Phillip Tutnauer
Tharesh Udupa
Kyle Vaughn
Loren Wessel
Holly West
Lindsey Westerhaus
Chad Westphal
Edward Wiebe
Lance Wissman
Frank Zappa
Michelle Zhubrak

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

DISCUSSION: There was no discussion on the motion.

VOTE: The motion passed unanimously by voice vote.

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

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

a. Open complaint status report.

Ms. Penttinen advised that she received three new complaints in the last month. She neglected to print the report but believes there are approximately 65 open complaints.

VIII. Call To The Public

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

IX. Next Board Meeting Date:

a. September 10, 2014 at 8:30 a.m.

X. 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 10:59a.m.