



Janice K. Brewer
Governor

State Of Arizona Board of Podiatry Examiners

"Protecting the Public's Health"

1400 W. Washington, Ste. 230, Phoenix, AZ 85007; (602) 542-3095; Fax: 542-3093

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

December 10, 2014; 8:00 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, AAG; Frankie Shinn-Eckberg, AAG

I. Call to Order

The meeting was called to order at 8:10 a.m.

II. Roll Call

Mr. Rhodes was absent. All other Board members were present. Mr. Tellier was present with Ms. Frankie Shinn-Eckberg, AAG.

III. Review, Discussion and Possible Action: Review of license application for Denise Freeman, DPM.

Ms. Penttinen explained her research on Arizona licensing laws for podiatrists. Dr. Freeman graduated from podiatry school in 1980 and completed six months of residency. Normally there is a requirement that the applicant must complete at least one year of residency in order to qualify for a license. However, there previously was a section of the Board's laws which allowed the Board to consider whether an applicant's professional experience was equivalent to one year of residency. That section was contained under Provisional license requirements which were removed in 2011 when the Board discontinued Provisional licenses; however, it originally became effective in 1979. Therefore, had Dr. Freeman applied for an Arizona license at the time she completed podiatry school she would have qualified for a Provisional license and then could have forwarded that into a permanent license based on her professional experience based on the laws which were in effect at the time. It also was noted that Dr. Freeman has held licenses in Ohio and Virginia and has had no disciplinary action in either state. She also has had no malpractice claims.

MOTION: Dr. Kaplan moved to approve Dr. Freeman to sit for the oral licensing exam and issue her 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.

IV. Administration of oral licensing exams for the following podiatrist applicants:

Boyd Andrews
Mark Ellis
Denise Freeman
Laura Heath
Kenneth Hegewald

Annie Jong
Matthew Kaiman
Elizabeth Kroboth
Marion Lund
Isaac Palacios

Kyle Peterson
Jill Poetter
Eric Sluiter
McQueen Suen
Alicia Teasant

MOTION: Ms. Miles moved to go into Executive Session for the purpose of administering the confidential oral licensing exams. Dr. Kaplan seconded the motion.

DISCUSSION: There was no discussion on the motion.

VOTE: The motion passed unanimously and the Board adjourned into Executive Session at 8:13 a.m.

The Board concluded Executive Session at 8:40 a.m. and recessed until 8:44 a.m, before returning to Regular Session.

V. Time-Specific Item (8:30 a.m.):

09-02-C and 09-21-C – J. David Brown, DPM: Review, discussion and possible action on proposed consent agreement pursuant to settlement conference.

Dr. Leonetti was recused from this agenda item because he served as the Board's investigator in one of the complaints. Mr. Tellier provided a brief summary of the issue to the Board. Solicitor General Chris Munns was present to provide independent legal counsel to the Board.

MOTION: Ms. Miles moved to go into Executive Session for 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 8:46 a.m.

The Board returned to Regular Session at 8:48 a.m.

The proposed consent agreement included the following Order terms: Dr. Brown would be issued a Letter of Concern for his care and treatment of patients W.B. and M.P.; he must make all reasonable efforts to reimburse those patients' insurance for errors in billing; he must complete at least 10 hours of non-disciplinary CME, in addition to the minimum annual CME requirements, regarding various fixation techniques which must be hands-on clinical experience; a maximum of five CME hours may be completed via a preceptorship arrangement with another podiatrist and must include at least six surgical cases and written statement to the Board from the preceptor regarding Dr. Brown's surgical competency therewith; all CME completion must be pre-approved by the Board; and all Order terms must be completed within six months of the effective date of the agreement.

MOTION: Dr. Kaplan moved to accept the proposed consent agreement as the final conclusion to these cases. Ms. Miles seconded the motion.

DISCUSSION: There was no discussion on the motion.

VOTE: The motion passed unanimously by voice vote.

VI. Approval of Minutes

a. November 12, 2014 Regular Session Minutes

The Board members stated they did not receive the minutes in their meeting materials and so have not had opportunity to review them. The minutes will be reviewed at the January 14, 2015 meeting.

VII. Review, Discussion and Possible Action – Review of Complaints (NOTE: The presence of a complaint does not automatically indicate violation of Statute or Rule in connection with the practice of podiatry.)

a. 11-16-C – Aprajita Nakra, DPM: Status update regarding associated malpractice case.

Ms. Penttinen reviewed that this case was previously tabled by the Board pending the outcome of the malpractice that was filed by the patient. She contacted Bruce Crawford who is representing Dr. Nakra for an update on the status of that matter. Mr. Crawford advised that the case is still ongoing and they anticipate start of trial in two weeks and he expects a two week trial. Ms. Penttinen asked if the Board would like to continue to table this matter or go forward with the completion of our investigation. Dr. Leonetti suggested that because it is so close to the trial date that it should remain tabled. The other Board members agreed.

b. 13-27-B – Chad Westphal, DPM.

Dr. Westphal was present with attorney Elizabeth Peterson. Dr. Jerome Cohn was the investigator for the case and summarized his findings.

MOTION: Dr. Campbell moved to dismiss this case with a Letter of Concern for improper treatment of a post-operative infection. Dr. Kaplan seconded the motion.

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

c. 13-32-C – Brad Hayman, DPM.

Dr. Hayman was not present. There was not an initial investigator assigned to this case. After reviewing all the file materials the Board members determined that additional information would be needed, specifically the patient's pathology reports and complete billing records. The case will be tabled until those items are received and then it will be assigned to an investigative consultant.

d. 14-01-M – Joseph Leonetti, DPM.

Dr. Leonetti recused himself from review of this case. Dr. Polakof was the investigator for the case and was present. She provided her summary of the case to the Board. Dr. Leonetti also addressed the Board with the presence of his attorney Douglas Cullins.

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

DISCUSSION: There was no discussion on the motion.

VOTE: The motion passed unanimously by voice vote.

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

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

Ms. Penttinen advised that she had sent a letter to Dr. Kroleski's counselor to follow up on their letter which stated Dr. Kroleski no longer needed their services. She has not yet received a response but will continue to pursue the requested information.

b. 14-25-B – Kelvin Crezee, DPM: Status update. (Refusal of consent agreement and request for formal hearing.)

Ms. Penttinen advised that the formal hearing has been scheduled for January 11, 2015, but she expects Dr. Crezee's attorney to file a motion to postpone. Mr. Tellier stated he had received a request for an informal settlement conference, although Ms. Penttinen has not received that.

MOTION: Ms. Miles moved that if an informal settlement conference is requested there should be two Board members present and that any negotiated terms be no less than what was already offered to Dr. Crezee via consent agreement. Dr. Kaplan seconded the motion.

DISCUSSION: Upon discussion it was decided that Ms. Miles and Dr. Leonetti would be the Board members participating in the settlement conference if requested.

VOTE: The motion passed unanimously by voice vote.

IX. Review, Discussion and Possible Action on Administrative Matters

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

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

a. Open complaint status report.

The Board members reviewed the report which indicates there are currently 53 open complaints including those on today's agenda.

XI. Call To The Public

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

XII. Next Board Meeting Date:

a. January 14, 2015 at 8:30 a.m.

XIII. Adjournment

MOTION: Ms. Miles moved to adjourn the meeting. Dr. Leonetti 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 10:29a.m.