

## MINUTES

### UTAH PODIATRIC PHYSICIAN BOARD MEETING

September 8, 2008

Room 402 – 4<sup>th</sup> Floor – 8:30 A.M.  
Heber Wells Building  
Salt Lake City, UT 84111

**CONVENED:** 8:34 A.M.

**ADJOURNED:** 9:35 A.M.

**Bureau Manager:**  
**Board Secretary:**  
**Division Compliance Specialist:**

Noel Taxin  
Karen McCall  
Ronda Trujillo

**Board Members Present:**

Steven R. Jones, DPM, Chairperson  
Michael K. Lowe, DPM  
Suzanne Ferry  
Gary R. Ridge, DPM

**Board Members Absent:**

Francis J. Clark, DPM

**Guests:**

Janell Jordan

#### TOPICS FOR DISCUSSION

#### DECISIONS AND RECOMMENDATIONS

##### **ADMINISTRATIVE BUSINESS:**

Swearing in of Gary R. Ridge, DPM, as a Board Member

Ms. Taxin conducted the swearing in of Dr. Ridge.  
**Board members welcomed Dr. Ridge.**

##### **MINUTES:**

The minutes from the June 16, 2008 Board meeting were read.

Dr. Lowe made a motion to approve the minutes as read. Dr. Ridge seconded the motion. **The Board vote was unanimous.**

##### **APPOINTMENTS:**

**8:45 am**  
Ronda Trujillo, Compliance Update

Ms. Trujillo updated the Board regarding the compliance or non-compliance of probationers.

Ms. Trujillo reported that **Dr. William W. Martin** is currently out of compliance as his supervisor's report from Dr. Fawson has not yet been received. She stated that the database has again reported a high number of prescriptions that have been written.

**Dr. Lowe reviewed the database report and informed the Board that the prescriptions are in liquid form which changes the amounts on the report to be within normal numbers.**

Ms. Trujillo stated that Dr. Martin was going to submit information regarding injecting Cortozone directly into the Achilles tendon. She stated that some information has been submitted for the Board to review.

Dr. Lowe was requested to conduct the interview as Dr. Gold no longer serves on the Board.

**Dr. Lowe updated Dr. Ridge regarding Dr. Martin. He stated that Dr. Martin submitted a letter requesting early termination at his June 2008 appointment.**

**Dr. Lowe stated that the Board had requested an amendment to Dr. Martin's Stipulation and Order and requested the Utilization Review Committee, including Dr. Fawson, to review Dr. Martin's practice as he was unable to locate anyone in Logan, Utah willing to assist him. Dr. Lowe commented that he contacted Dr. Fawson and received a verbal report that he and Dr. Martin have met 3 times since Dr. Martin's last meeting with the Board and they have reviewed standard practices and Dr. Martin understands. Dr. Lowe stated that Dr. Fawson reports that he would recommend early termination as he has completed what he can as a supervisor and does not believe Dr. Martin would be a harm to the public.**

**The Board agreed to accept Dr. Lowe's report in lieu of the formal report from Dr. Fawson.**

**Dr. Jones asked if the CE requirement has been**

**completed.**

Ms. Trujillo responded that Dr. Martin was allowed to renew and the CE had to be completed to renew.

**Ms. Taxin explained the process of the compliance unit for Dr. Ridge. She then explained that at the June meeting Dr. Martin was of the opinion that Cortozone being injected directly into the Achilles tendon was good practice. She stated that the Board disagreed with Dr. Martin. Ms. Taxin voiced concern terminating probation if Dr. Martin is still of the same opinion. She stated that Dr. Martin appears compliant and open with the Board except for that one issue.**

**Dr. Jones suggested meeting with Dr. Martin and discussing the issue and concerns and then discuss the issue of early termination of probation.**

**Based on Dr. Lowe's report from Dr. Fawson, the Board determined Dr. Martin is in compliance with his Stipulation and Order.**

**9:00 am**

Dr. William W. Martin, Probationary Interview

Dr. Martin met for his probationary interview.

Dr. Ridge was introduced.

**Dr. Jones commented that today the Board would review some points from the June meeting. He stated that the CE issue appeared to be taken care of as Dr. Martin's license was renewed. He informed Dr. Martin that Dr. Lowe would be conducting the interview today.**

**Dr. Lowe stated that Dr. Martin had agreed at the June 2008 meeting to obtain documentation in support of using Cortizone injections directly into the Achilles tendon on his patients. He asked if Dr. Martin obtained the documentation and if he is still of the same belief.**

Dr. Martin responded that he read the article Dr. Lowe had in front of him and has decided to discontinue the injections. He stated that he is now using other

treatments.

**Dr. Lowe stated that the Board received the page of an article regarding Cortizone injections in the Achilles tendon that Dr. Martin submitted. He stated that he located several articles for Dr. Martin to review if he is interested. Dr. Lowe then asked Dr. Martin if he has completely discontinued the practice of Cortizone injections in the Achilles tendon.**

Dr. Martin responded that he has completely discontinued the practice and will not be using it in the future.

**Dr. Lowe asked Dr. Martin to explain his reason for giving a Cortizone injection to another patient as mentioned in his patient chart.**

Dr. Martin reviewed the chart and responded that the patient had pain and swelling and he used the Cortizone injection to relieve the pain and swelling.

**Dr. Lowe suggested Dr. Martin use caution in giving any Cortizone injections as an athlete may feel better, go out and use the limb and cause additional damage.**

**Dr. Jones stated that everything appears to be in order except receiving the supervision letter from Dr. Fawson.**

**Ms. Taxin commented that all reports have been positive. She stated that Dr. Martin has come a long way during his probation. She stated that she and the Board had concerns regarding the injections but it appears Dr. Martin has researched the issue and is now in line with the Board recommendations.**

**Dr. Lowe acknowledged that it appears Dr. Martin has been dealt with poorly by the Logan group. He encouraged Dr. Martin to stay in touch with the group in Ogden as there are several people in the area who have gone out of their way to help Dr. Martin. He recommended Dr. Martin develop a**

**relationship where he can call others and ask questions if he has any.**

**Ms. Taxin commented that peer review is a good support resource and it is ok for Dr. Martin to tell a patient that he will get back to them and then do the research prior to treating the patient.**

**Ms. Ferry commented that she agreed that networking within the State professionals would be helpful to Dr. Martin.**

**Dr. Lowe made a motion for early termination of probation based on Dr. Martin being in compliance and completing the requirements of his probation except the time.**

**Ms. Ferry seconded the motion.**

**The Board vote was unanimous.**

**Ms. Taxin explained the paperwork process and reminded Dr. Martin that he is still on probation until he receives the clear license. She stated that Dr. Martin may need a letter of good standing when he applies for insurance privileges. She stated that she will write the letter and send it out with Dr. Martin's license.**

**Dr. Martin thanked the Board. He then thanked Ms. Taxin for offering to write a letter for the insurance companies.**

**Ms. Taxin asked Ms. Trujillo to contact Dr. Fawson to submit his final supervision letter and recommendation to be included in Dr. Martin's file.**

#### **DISCUSSION ITEMS:**

Board Chairperson

Dr. Lowe made a motion to retain Dr. Jones as the Board chairperson. Dr. Ridge seconded the motion.  
**The Board vote was unanimous.**

FYI

Ms. Taxin notified the Board that Dr. Joseph S. Giacalone has surrendered his license.

She read the facts of the case to the Board and informed the Board that Dr. Giacalone will not be able to reapply for 5 years. Ms. Taxin stated that he will need to resolve his issues prior to reapplying. She stated that, if Dr. Giacalone reapplies for his license the Division could put him on probation with conditions/requirements to be completed.

**Dr. Lowe commented that Dr. Giacalone does diabetic foot reconstruction more than any other Dr. in Utah and is a very good surgeon. He stated that 5 years seems a long time for Dr. Giacalone to be out of practice.**

**Dr. Ridge asked if Dr. Giacalone would be able to be licensed in any other State with the surrender in the National database.**

Ms. Taxin responded that another State could license him. She stated that Utah receives applications with disciplinary action having been taken for things such as citations, not completing CE requirements, the lack of notifying the Board of a change of address. She stated that licensure in other States would depend on the State and their requirements.

Ms. Taxin stated that, if the Board recommended an amendment, she could amend the Stipulation and put in 2 years or 3 years more probation. Ms. Taxin stated that she put in 5 years probation as she believed the issues were serious enough that it would take some time to resolve them.

Ms. Taxin suggested she review the disciplinary file with the investigator, Sandy Hess, and then decide if an amendment is appropriate. She stated that if she does an amendment would the Board agree to 2 or 3 years probation and then he has to document one year of clean drug tests and go to a psychologist before reapplying.

**The Board asked Ms. Taxin to review the file with Ms. Hess and report back at the December 2008 meeting.**

FYI

Ms. Taxin informed the Board that there is the potential of a new probationer when the paperwork is completed.

2009 Tentative Board Meeting Schedule

**The Board noted the following tentative dates for 2009: Thursdays, February 5, May 28, August 6 and November 12, 2009.**

Ms. Taxin informed the Board that dates may be changed if there are conflicts with schedules.

**CORRESPONDENCE:**

NBPME Correspondence

The Board reviewed the NBPME Examination Report. **No Board action was taken.**

**NEXT MEETING SCHEDULED FOR:**

December 8, 2008 – 8:30 am

**ADJOURN:**

The time is 9:35 am and the Board meeting is adjourned.

*Note: These minutes are not intended to be a verbatim transcript but are intended to record the significant features of the business conducted in this meeting. Discussed items are not necessarily shown in the chronological order they occurred.*

September 2, 2010  
Date Approved

(ss) Steven R. Jones, DPM  
Chairperson, Utah Podiatric Licensing Board

September 25, 2008  
Date Approved

(ss) Noel Taxin  
Bureau Manager, Division of Occupational & Professional Licensing