

**BOARD OF PODIATRIC MEDICAL EXAMINERS
OPEN SESSION MEETING MINUTES
January 9, 2014
Room 110**

The Open Session meeting of the Maryland Board of Podiatric Medical Examiners (Board) was held on Thursday, January 9, 2014, in Room 110, 4201 Patterson Avenue. The meeting was called to order at

1:08 P.M., by Board President Dr. Jay LeBow.

Board members present included: Drs. Craig Friedman, Todd Harrison, and Philip Cohen. Public

members of the Board present were Barbara Crosby, RN, BSN and Jay Boyar, EdS. Board Member

Dr. Zachary Chatter was absent.

Staff present: Richard Bloom, AAG, Board Counsel, Eva Schwartz, Executive Director, Sheri

Henderson, Administrative Officer and Elizabeth Amspacher, Licensing Coordinator.

Guests present: Kristen Neville, Boards and Commissions, Paula Hollinger, DHMH, Sharon Bloom,

DHMH, Marian Ruth, Board Investigator, Linda Beyer, Fiscal Officer, Chanelle Carter, D.P.M.,

MPMA representative and Harold Glazer, D.P.M.

A. MINUTES:

1. Approval of minutes from December 12, 2013, Meeting.

The minutes of the December 12, 2013 meeting were approved as submitted.

B. OLD BUSINESS:

1. Board Groupon Policy

The Board is waiting for Groupon's response with information on their upcoming policies regarding the outstanding issues of "appearance of fee splitting" and the prevention of such circumstances, if applicable. The topic is tabled until such time as the policies are developed by Groupon and available for review by the Board.

2. EMR issues

Mr. Bloom, AAG, informed the Board that other medical professions were not having any issues with EMR companies regarding medical records retrieval. After discussion, the Board decided to close the topic and handle issues on a case by case basis.

3. Updates on the Renewal of License

Board staff would like to thank with appreciation, everyone who renewed their license before the renewal deadline. To date, the statistics indicate that five (5) podiatrists have converted their Active licenses to Inactive, and fifteen (15) podiatrists have converted their licenses to NONRENEWED, totaling 420 Active licensees.

4. Proposed Legislation- Bill on Cease and Desist and Special Funds Deposit

The Board reviewed the proposed legislation for a bill on Cease and Desist and the Special Fund deposit. After discussion, the Board agreed to go forward with the legislation and submit a position statement in support of the bill, specifically, that fines for unauthorized practice in the State will be going into the Board's Special Fund as Operational Funds. It was stated that such levied penalties may be used to help to partially defray the cost of prosecution in cases of unauthorized practice, especially if the cases get referred to the Office of Administrative Hearings.

5. Budget Discussion

Eva Schwartz, Executive Director, informed the Board that they have been flagged in a Budget Review Report by the Department of Budget Management (DBM), as having an unacceptably low carryover balance of funds, and low annual revenue not meeting the allocated budgetary expenditures. A statement of proof of acceptable revenue to meet the operational budget for the next five years was required, before the Budget would be approved to go forward and be presented to the Legislators under the Governor's Budget. The Board was presented with a pie chart and graphs to indicate all revenue collections and expenses. It was noted that about 66% of the Budget expenditures are fixed costs that the Board can not change, nor control. The Board was able to reduce, or eliminate some of the expenses, including out of state travel costs, not hosting a retreat, litigation and transferring 20% of one of the positions to share with the Commission on Kidney Disease. However, even these reductions cannot support the required ANNUAL operational budget over the next few years. DBM and DHMH, respectively, required proof of steady and sustainable revenue which could only be accomplished by raising the licensing fees for the FY 2016, calendar year 2015. The Board expressed concern over the lack of Residency Programs in Maryland and discussed the impact this has on the obvious lack of growth of the number of podiatrists practicing in the State, thus directly impacting the Board's revenue.

6. PROPOSED & EMERGENCY COMAR 10.13.01 Dispensing of Prescription Drugs by a Licensee

After review of the proposed Emergency Regulations, COMAR 10.13.01 Dispensing of a Prescription Drug by a Licensee, the Board has decided to join the Dental Board in their position to oppose the promulgation of these regulations by the Pharmacy Board.

C. NEW BUSINESS:

1. Establish Podiatry Regulations Review Committee

The Board decided to establish a podiatry regulations review committee to review current regulations to identify/propose changes if needed. Drs. Todd Harrison, and Zachary Chattler, volunteered to serve on this committee.

2. Proposed Legislation by the Board of Pharmacy-10 miles radius for dispensing

The Board reviewed the legislation by the Board of Pharmacy proposing that if a Pharmacy is within a 10 mile radius, then a podiatrist can not dispense drugs out of their office whether they have a permit or not. The Board was informed by Kristen Neville, Boards and Commission, that this is not the first time the Board of Pharmacy has proposed this bill, with varying distance restrictions.

3. FYI- Topics Quarterly Newsletter Volume 28/No. 4 Winter 2013 from Gordon, Feinblatt, Rothman, Hoffberger & Hollander, LLC

The Board received the Topics Quarterly Newsletter Volume 28/No. 4 Winter 2013 from Gordon, Feinblatt, Rothman, Hoffberger & Hollander, LLC for informational purposes.

4. Review for eligibility for FULL License:

a. Sabina Malhotra, D.P.M.

b. Kiana Trent, D.P.M.

The Board reviewed and approved the issuance of a full license for the above applicants.

D. OTHER:

1. Eva Schwartz, Executive Director, expressed her gratitude to Kristen Neville, Boards and Commissions, for her help with the proposed regulations and legislation, as well as Linda Beyer, Fiscal Officer, for her help with the budgetary issues.

2. The Board was informed by Dr Carter that the MPMA will be proposing again legislation to remove the restriction on the acute ankle procedures. It was decided that a Board member will join the MPMA in their support testimony in Annapolis during the hearings in the Senate and House.

With no further business, the meeting was adjourned at 2:11 p.m.

CLOSED SESSION: Pursuant to Maryland State Government Annotated "10-501 et seq." the Board unanimously approved a motion to close its meeting at 2:11 p.m., in room 110 for the purpose of complying with the Maryland Medical Practice Act that prevents public disclosures about particular proceedings or matters.

Respectfully submitted,

Jay H. Boyar, Secretary/Treasurer