

BOARD OF PODIATRIC MEDICAL EXAMINERS

OPEN SESSION MEETING

MINUTES

April 13, 2017

Room 110

The Public Session Meeting commenced at 1:08 PM, opened by Board President, Dr. Philip Cohen.

Board members attending were: Drs. Chattler, Friedman, Gottlieb, and Umezurike. Consumer members present were Ms. Frona Kroopnick and Mr. Jay Boyar.

Board staff present: Eva Schwartz, Executive Director, Tony DeFranco, AAG, Board Counsel, Sheri Henderson, Deputy Executive Director, Elizabeth Amspacher, Licensing Coordinator, Kristen Neville, Legislation, Henry Harle, IT Manager, and Oladunni Akinpelu, IT Associate.

Guests present: Drs. LeBow, and Glazer.

COMAR 10.01.14.02.B:

Except in instances when a public body expressly invites public testimony, questions, comments, or other forms of public participation, or when public participation is otherwise authorized by law, a member of the public attending an open session may not participate in the session.

A. MINUTES:

1. Approval of minutes from March 9, 2017 Meeting

The minutes from the March 9, 2017 meeting were approved unanimously, as submitted.

B. OLD BUSINESS:

1. PROPOSED ACTION: COMAR 10.40.01.05 Examination and Post-Graduate Training

The proposed change of COMAR 10.40.01.05 Post- Graduate Clinical Training to state “satisfactory completion of two years in a podiatric post graduate medical education program in medicine and surgery” is moving forward.

2. Proposed Regulations Defining what is Required to Prove 5 years of Practice for a Full License

Drs. Gottlieb and Umezurike presented to the Board their research on the possibility of creating requirements for what needs to be submitted to prove five years of experience in lieu of the residency affidavit for a full license application. After discussion, the Board will change the regulation to include that the applicant must adequately prove practice for the previous five years. The proposed regulation will be submitted at the next Board meeting.

3. Advertising Inquiry-Richard Silverstein, DPM

The Board reviewed an inquiry regarding a radio advertisement for the Erchonia FX-635 laser for the treatment of plantar fasciitis. After extensive research based on the materials submitted to the Board by the inquirer, the Board determined that they have no statutory or regulatory authority over pre-approving product advertisements.

4. Proposed Regulation addressing Active podiatric practice

The Board discussed creating regulations to define active podiatric practice. The Board decided to review the Maryland Dental Board's regulations on the issue and re-visit the topic at the next Board meeting.

5. Amendments to House Bill 1432-Health Care Providers - Prescription Opioids - Limits on Prescribing (The Prescriber Limits Act of 2017)

The Board was made aware of the amendments to House Bill 1432- Health Care Providers- Prescription Opioids- Limits on Prescribing. The Bill has now passed in both the House and the Senate with the amendments.

6. Discussion about proposing the requirement of submitting 25 cme's as part of licensure requirement for those applicants who have been practicing out of State for 5 yrs, immediately preceding the application to the Board

After a lengthy discussion, the Board decided to table the topic pending research into other Board's similar regulations.

C. NEW BUSINESS:

1. Inquiry-Jay Seidel, DPM

The Board reviewed an inquiry regarding Maryland Medicaid CPT codes and scope of practice. After review of the inquiry, the Board stated that CPT-27687- Gastrocnemius recession is within the scope of practice for a podiatrist.

2. Reporting Requirements of Activity of each Board on Educating Licensees on Cultural Competency

A comprehensive report is now required by all Boards to show their activity on educating the licensees in each profession on cultural competency. The Board will be posting links to courses on the website and will offer CME's to licensee's that take them. These courses will not be mandatory.

3. Change in statute addressing Corporate Name

In prior history, the Board was required to approve corporate names if a licensee was going to operate as a P.A. The Board has since been made aware that it is now not required to approve any corporate names whether they are P.A.'s or LLC's.

4. Encryption requirements for confidential data transmission

It is now mandated that the Board use a specific software to encrypt information sent via email. Henry Harle and Oladunni Akinpelu, DHMH, provided the Board with a presentation and handout of the new e-mail encryption policy. The IT department associates also took the time to go around and install the software on each individual Board members Board laptop.

5. FYI- Topics Quarterly Newsletter Volume 32/No. 1 Spring 2017 from Gordon, Feinblatt, Rothman, Hoffberger & Hollander, LLC

The Board received a copy of Topics Quarterly Newsletter Volume 32/No. 1 Spring 2017 from Gordon, Feinblatt, Rothman, Hoffberger & Hollander, LLC for informational purposes.

7. NPDB- Is it Reportable?

The Board was given a copy of the latest version of the National Practitioner Data Bank Newsletter article "Is it Reportable" for informational purposes.

8. Review for eligibility for FULL License:

a. Monica Cooney, D.P.M.

b. Seth Weaver, D.P.M.

c. Daniel Halayko, D.P.M.

d. Robert Peck, D.P.M.

The above identified licensure candidates were approved unanimously for the issuance of a full Maryland License.

With no further business, the Board meeting concluded at 2:45 PM.

Respectfully submitted,

Jay H. Boyar, Secretary/Treasurer

