

**BOARD OF PODIATRIC MEDICAL EXAMINERS
OPEN SESSION MEETING MINUTES**

**June 9, 2011
Room 110**

The Open Session meeting of the Maryland Board of Podiatric Medical Examiners (Board) was held on Thursday, June 9, 2011, in Room 110, 4201 Patterson Avenue. The meeting was called to order at 1:20 p.m. by President Dr. David Freedman.

Additionally, board members present included: Drs. Tanya Sellers-Hannibal, Jay LeBow, Steve Chatlin, and Craig Friedman. Public members of the board were Jay Boyar, EdS and Barbara Crosby, RN, BSN.

Staff: Eva Schwartz, Executive Director, Richard Bloom, AAG, and Sheri Henderson, Administrative Officer.

Guests present: Linda McGinnis, D.P.M., Maryland Podiatric Medical Association (MPMA), Sharon Bloom, DHMH and Kristen Neville, Boards and Commission.

A. MINUTES:

The minutes of the April 14, 2011 meeting were approved as submitted.

B. OLD BUSINESS:

1. Review for approval and regulation promulgation of the Board's sanctioning guidelines.

The sanctioning guidelines were reviewed and revisions were made. The Board accepted and approved the sanctioning guidelines with changes. Richard Bloom, Board Counsel will complete final draft and forward to Kristen Neville for regulatory review.

C. NEW BUSINESS:

1. Genesis Plus-FDA cleared for Onychomycosis

The Board reviewed the advertisement for the GenesisPlus Laser which has been cleared by the FDA for Onychomycosis. The Board voted and endorsed unanimously the FDA's statement that the GenesisPlus Laser has been cleared for the treatment of fungal nails.

2. Summer Edition Newsletter-

Ms. Schwartz informed the Board that it is time for the summer Newsletter to be composed and published. She requested several articles from the Board members to be included in the Newsletter as well as a special end of service summary from the Board President.

3. Scope of Practice Inquiry by Dr. Kelly Geoghan-Sclerotherapy-

What are the requirements regarding licensed podiatrists performing sclerotherapy?-

- The Board's response: 16-102 Podiatry Act "Practice Podiatry means to diagnose or surgically, medically, or mechanically treat the human foot or ankle.... or the soft tissue below the mid calf." Practice act allows for sclerotherapy, as long as it is performed below the level of the mid calf. In this example, it is within the scope of the podiatry practice act as long as you have a medical indication for its use.

Request for approval to administer Sculptra injections into the foot for loss of the fat pad. -

- The Board's response: 1. Even though Sculptra injections are PLLA and FDA cleared dermal fillers; they are considered off-label use when used in the foot, ankle and lower leg to mid-calf. Podiatrists may not advertise off-labeled use products, even though they can use a device off-label. 2. A podiatrist must also obtain a Consent Form from the patient for the use of off-labeled products.

4. Request for Advertisement Review by Dr. Majewski-


The Board's response: The advertising regulation under the Maryland Podiatry Act COMAR 10.40.06.03C(8) states: An advertisement may not include statements that fail to include the name of at least one podiatrist rendering services under the particular practice or trade name at the location advertised.

The Board's response: The advertising regulation under the Maryland Podiatry Act COMAR 10.40.06.05 B & C states:

(B) In addition to the free, discounted, or reduced price goods or services, a podiatrist, who has not obtained the written informed consent of the patient in the form as shown in § C of this regulation, may not for a fee offer or provide any podiatric goods or services to a patient within 72 hours of the date the patient presents a coupon, voucher, similar document, or advertisement offering:

(1) "Free" podiatric goods or services; or

(2) Podiatric goods or services for a discounted or reduced fee.

(C) The podiatrist shall use the [following] Consent to Treatment Form and shall retain the form in the patient's file. [Consent Form](#) 

**5. Review for eligibility for FULL License:
Aree Saed, DPM**

The Board reviewed and approved the issuance of a Full license for the above applicant.

6. Improving Health through Health Literacy

A Copy of “*Improving Health Through Health Literacy*” was provided to the Board for informational purposes.

With no further business, the meeting was adjourned at 2:44 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 2:44 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

