

BOARD OF PODIATRIC MEDICAL EXAMINERS

OPEN SESSION MEETING

MINUTES

July 12, 2018

Room 106

The Public Session Meeting commenced at 1:02 PM, opened by Board President, Dr. Zachary Chattler.

Board members attending were Drs. Cohen, Friedman, Gottlieb and Umezurike. Consumer members present were Frona Kroopnick and Sharon Bunch.

Board staff present: Eva Schwartz, Executive Director, Rhonda Edwards, AAG, Board Counsel, Sheri Henderson, Deputy Executive Director, and Elizabeth Kohlhepp, Licensing Coordinator, Danielle Vallone, Board Investigator, and Lillian Reese, Legislation.

Representing MDH: Kim Lang, PhD.

Representing Maryland Podiatric Medical Association (MPMA): Richard Bloch, Esq., Executive Director.

Guests Present: Dr. Jay LeBow.

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, read by Dr Chattler.

A. MINUTES:

1. Approval of minutes from the June 14, 2018 meeting

Upon review of the minutes from the June 14, 2018 meeting, it was discovered that MPMA representative Richard Bloch was misidentified as a DPM. It was requested his title be corrected from DPM to Esq., Executive Director, MPMA. The Board approved the minutes with the change.

B. OLD BUSINESS:

**1. Proposed Regulations defining what is required to prove 5 years of Practice for a Full License
COMAR 10.40.01.01**

The Board previously voted to propose a new regulation requiring an affidavit during the licensing process to prove five years of active practice immediately preceding the application for licensure. This

personal affidavit would be acceptable in lieu of the residency program affidavit, if the applicant chooses to apply via this route. The proposed regulation was printed on March 30, 2018 in the Maryland Register with a comment period that ended on April 30, 2018 with no comments. The regulation became effective on July 2, 2018.

2. Proposed Regulation addressing Active podiatric practice- COMAR 10.40.08.02

The Board previously voted to propose a regulation to define active practice to be interpreted as requirement of an average 400 working hours of practicing podiatry per year, for five consecutive years. The comment period regarding this proposal ended April 30, 2018 and no comments were received. The regulation became effective on July 2, 2018.

3. Proposed Amendment to COMAR 10.40.06.03- Advertising Regulation

The Board previously voted on a proposed amendment to COMAR 10.40.06- Advertising concerning the identification of a podiatrist as such, or as a foot and ankle specialist, or foot and ankle surgeon in advertisements or any media platforms. The comment period regarding this proposal ended on May 14, 2018 and no comments were received. The regulation became effective on July 2, 2018.

4. SB 1223-Promulgating regulations regarding mandatory CME's required for prescribing and dispensing opioids

The Board reviewed SB 1223 - Controlled Dangerous Substances Registration- Authorized Providers- Continuing Education. The Bill requires that all CDS permit holders or those applying for a new/initial permit, will be mandated to submit attestation to Maryland Department of Health (MDH)/Office of Controlled Substance Administration (OCSA) regarding the completion of 2 CME credits before initial issuance of permit and at permit renewal, specific to prescribing and or dispensing scheduled drugs. The bill also indicates that failure to do so can lead to ineligibility for renewal of the CDS permit/registration by the Office of Controlled Substance Administration. The Bill will go into effect on October 1, 2018. The Board expressed concerns over how to inform new incoming licensees that attestation of 2 CME credits will be required to receive a CDS permit during the application process. The Board tabled further discussion on proposed regulations to implement SB 1223 until after the next Board's Executive Directors meeting on October 1, 2018.

5. HB- 88-Public Health- Prescription Drug Monitoring Program- Revisions: Maryland PDMP Use of Mandate Implementation

The Board was informed that HB-88- Public Health-Prescription Drug Monitoring Program-Revisions: Maryland PDMP Use of Mandate Implementation failed during the legislative session, only requiring a report be submitted.

C. NEW BUSINESS:

1. FYI- Topics Quarterly Newsletter Volume 33/No. 2 Summer 2018 from Gordon, Feinblatt, Rothman, Hoffberger & Hollander, LLC

The Board received a copy of Topics Quarterly Newsletter Volume 33/No. 2 Summer 2018 from Gordon, Feinblatt, Rothman, Hoffberger & Hollander, LLC for informational purposes.

2. MARYLAND DEPARTMENT OF HEALTH 2012-2020 WORK PLAN FOR EVALUATION REPORT ON

Subtitle 40 BOARD OF PODIATRIC MEDICAL EXAMINERS:

- a. 10.40.01 Examination and Post-Graduate Training**
- b. 10.40.04 Code of Ethics**
- c. 10.40.06 Advertising**
- d. 10.40.09 Compelling Purpose Disclosure**
- e. 10.40.10 General Provisions**

The Board reviewed the above listed COMAR citations for any further corrections or updates on the existing regulations. Ms. Schwartz updated the Board that COMAR 10.40.01 and COMAR 10.40.06 were exempted from the evaluation report. The Board voted that COMAR 10.40.04, COMAR 10.40.09, and COMAR 10.40.10 were approved as is without any changes, therefore they will need to be addressed in the departmental work plan for the evaluation report on Subtitle 40.

3. Review for eligibility for FULL License:

- a. Matthew Waxman, DPM**
- b. Tanno Kaur, DPM**
- c. Chris Sohn, DPM**
- d. Lien Van, DPM**
- e. Scott Giaimo, DPM**

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

D. OTHER:

- 1.** It was brought to the attention of the Board that the Office of Healthcare Quality (OHCQ) informed the podiatrists that ASC's will no longer require license renewal fees. Some podiatrists that have paid the renewal fees are having issues with getting their fees refunded. The Board requested that Kim Lang, MDH, contact the Secretary regarding this concern and give direction on what the Board can do to advocate for its licensees that hold ASC certification from OHCQ.
- 2.** Jay LeBow, DPM asked the Board if there was any change in their response policy addressing Scope of practice or CPT code questions. The Board replied that there is no change in the policy and it will no longer be addressing scope of practice questions. If a podiatrist has a scope of practice related question, they should refer to the Board's scope of practice statutes and regulations or contact a health care attorney. Furthermore, the Board can not contact insurance providers regarding whether or not the use of certain codes are within a podiatrist's scope of practice.

3. Richard Block, MPMA inquired about whether the new all payer contractor system includes podiatrists. The Board informed him to ask the Governors office for further details.

With no further business, the Board meeting concluded at 1:40 PM.

Respectfully submitted,

Yvonne Umezurike, Secretary/Treasurer