

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

**September 8, 2011
Room 110**

The Open Session meeting of the Maryland Board of Podiatric Medical Examiners (Board) was held on Thursday, September 8, 2011, in Room 110, 4201 Patterson Avenue. The meeting was called to order at 1:16 p.m. by Acting President Dr. Tanya Sellers-Hannibal. Additionally, Board members present included: Drs. Jay LeBow, Steve Chatlin and Craig Friedman. Dr. Zachary Chatter was absent. Public members of the Board were Jay Boyar, EdS and Barbara Crosby, RN, BSN. Staff present: Richard Bloom, AAG, Sheri Henderson, Administrative Officer and Elizabeth Amspacher, Licensing Coordinator. Eva Schwartz, Executive Director, was absent. Guests present: Kristen Neville, Boards and Commission, Sharon Bloom, DHMH and Dr. Lynda McGinnis, D.P.M., Maryland Podiatric Medical Association (MPMA).

A. MINUTES:

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

B. OLD BUSINESS:

1. Board's sanctioning guidelines pending Secretary's Approval

Kristen Neville informed the Board of Secretary Sharfstein's directive to present sanctioning guidelines in a "chart" format according to the Dental Board guidelines. The Board will table the discussion until the Secretary's final review of format has been completed.

C. NEW BUSINESS:

1. Election of 2012 Podiatric Board Officers

The Board performed the election for the 2012 Podiatry Board officers. The results were: Tanya Sellers-Hannibal, D.P.M. President; Steven Chatlin, D.P.M. Vice President, and Jay Boyar, Eds, Secretary/Treasurer.

2. Board of Pharmacy Dispensing Concept Proposal

The Board reviewed the concept proposal and discussed its concern with the limitations the proposal would have on podiatrists. It was determined the Board would table the discussion pending the proposal elevating to proposed legislation.

3. Scope of Practice Inquiry-Peter Jaensch, Atty at Law

May a podiatrist prescribe, administer, or dispense prescription drugs and devices to patients in the course of his practice. If so, are there any relevant limitations?

- The Board's response: A podiatrist **can** prescribe, administer, or dispense prescription drugs and devices to patients in the course of his practice as long as it is within the scope of the podiatry practice act. **The podiatrist must have a valid Dispensing Permit issued by the Board of Podiatry if he/she chooses to dispense for sale prescription medications.**

Is there any limitation on a podiatrist's authority to order and receive prescription drugs for office use?

- The Board's response: There are no limitations on a podiatrist's authority to order and receive prescription drugs for office use.

4. Scope of Practice Inquiry-Daniel Michaels, D.P.M.

Request to advertise for the Cutera laser for the treatment of nail fungus, since it has FDA "Approval".

- The Board reviewed the inquiry regarding the allowance of advertising of the Cutera laser for nail fungus treatment. The Board's review showed that the Cutera nail fungus laser is "FDA cleared." Therefore, a letter will be submitted to Dr. Michaels to substitute the verbiage from "FDA approved" laser to "FDA cleared" laser. Richard Bloom, Board Counsel, will draft a statement for the Board's newsletter regarding the guidelines for advertising laser treatments.

5. Scope of Practice Inquiry-David Freedman, D.P.M.

Is it within the scope of practice in your state to prescribe a pneumatic compression device for the treatment of local manifestations of secondary lymphedema or chronic venous insufficiency with venous stasis ulcers?

- The Board's response: It is within the scope of practice to prescribe a pneumatic compression device for the treatment of local manifestations of secondary lymphedema or chronic venous insufficiency with venous stasis ulcers.

6. 2013 Renewal Application Review

The board reviewed the 2012-2013 license renewal application. The application will be revised to reflect the increase of the Maryland Health Care Commission (MHCC) user fee from \$26. to \$28. Sheri Henderson informed the Board that the deadline for renewal submission will be December 1, 2011 by 5 pm; in order to guarantee that license's will be renewed by December 31, 2011. Renewals received after December 1, 2011 can not be guaranteed to be issued by December 31, 2011. Therefore, D.P.M.'s will not be able to work as of January 1, 2012 and will also be assessed a late fee of \$250, in addition to renewal and MHCC fees.

7. Michigan Dept. of Licensing & Regulatory Affairs Newsletter

A Copy of the *Public Forum of the Michigan Dept. of Licensing & Regulatory Affairs Volume 5 Issue 1* was provided to the Board for informational purposes.

8. Review for eligibility for FULL License:

a. Benjamin Kleinman, DPM

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

9. Fee for Medical Records Inquiry-David Freedman, D.P.M.

The Board reviewed an email inquiry from Dr. David Freedman regarding the appropriate fees physicians are to charge for medical records. The Board also reviewed the State of Maryland Law at Health-General Article 4-304(c) (3) which states "the fees may be adjusted annually for inflation using the Consumer Price index on July 1 of each year. The statute does not designate an entity to compute the increases. However, the Maryland Board of Physicians (MBP) has provided us with their calculation of what the adjusted rates should be.

The adjusted rates for medical record copying as announced by the MBP are as follows:
A preparation fee of \$22.0911 (This fee may not be charged to patients), plus
A copying charge of \$.73637 per page; plus
The actual cost of shipping and handling.

The MBP has not commented as to whether rounding to the nearest penny would be acceptable in their view. More information on the Consumer Price Index can be found at <http://www.bls.gov/bls/proghome.htm> .

The Board's website will be updated to reflect the current law.

10. Laser Nail Treatment Advertising Inquiry-Brad A. Toll, D.P.M.

What are the rules, and exact wording, for advertising for laser nail treatment?

As a result of the increase in inquires, Richard Bloom, AAG, will create a generic response that the Board will be able to forward for laser treatment advertising inquires.

11. Other

The Board discussed the percentage of CME Audits to perform for the 2012-2013 renewal period. The Board decided that they will audit 5%.

With no further business, the meeting was adjourned at 2:31 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 2:31 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

