

BOARD OF PODIATRIC MEDICAL EXAMINERS

OPEN SESSION MEETING

MINUTES

September 7, 2017

Room 110

The Public Session Meeting commenced at 1:07 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 Ms. Sharon Bunch.

Board staff present: Eva Schwartz, Executive Director, Ari Elbaum, AAG, Board Counsel, Sheri Henderson, Deputy Executive Director, Elizabeth Amspacher, Licensing Coordinator, and Danielle Vallone, Board Investigator.

Representing DOH: Brandon Wright, Assistant Director for Health Care Occupations Board and Sharon Bloom, DOH.

Representing MPMA: Richard Bloch, Esq., Executive Director.

Guests present: Dr. 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.

ELECTIONS

The elections for all Board Officer Positions were held. After a vote, the Board welcomed the newly elected officers; Zachary Chattler, D.P.M. President, H. David Gottlieb, D.P.M. Vice President and Yvonne Umezurike, D.P.M. Secretary/Treasurer.

A. MINUTES:

1. Approval of minutes from July 13, 2017 Meeting

The Board reviewed the minutes from the July 13, 2017 meeting and requested one change. Under Old Business topic number four titled "WORKPLAN - Regulatory Review & Evaluation Act: COMAR 10.37, 10.38, 10.40--10.44 - Subtitle 40 BOARD OF PODIATRIC MEDICAL EXAMINERS- *Subcommittee Report*" it stated that the Board voted to add Foot and Ankle Specialist and Foot and Ankle Surgeon to COMAR 10.40.06- Advertising. The Board requested it be clarified by stating that the Board voted to amend the current regulations to allow licensees to use podiatrist, foot and ankle specialist or foot and ankle surgeon in advertisements.

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, to be acceptable in lieu of the residency affidavit, if the applicant so chooses to apply via this route. The Regulation is in the promulgation process.

2. Proposed Regulation addressing Active podiatric practice- COMAR 10.40.01.02

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 consecutive five years. The Regulation is in the promulgation process.

3. Proposed Regulation for COMAR 10.40.01.05- Examination and Post-Graduate Training

The Board was informed that the change in COMAR 10.40.01.05- Examination and Post-Graduate Training requiring “satisfactory completion of two (2) years in a podiatric post graduate medical education program in medicine and surgery” became effective on July 3, 2017.

4. Proposed Amendment to COMAR 10.40.06- Advertising Regulation

The Board reviewed the proposed amendment made to COMAR 10.40.06- Advertising Regulations. After discussion, the Board voted to add to section B line two that a podiatrist can refer to himself or herself as a foot and ankle specialist, or foot and ankle surgeon, or podiatrist. The Board also voted to remove line nine in the regulation completely.

5. Designation of Board Member by Board Chair for Mandatory open meetings act training

At the July meeting, the Board was made aware that before October 1, 2017, a Board member must take an online training course regarding the Open Meetings Act. New Board President, Zachary Chattler, DPM, volunteered to complete the course.

6. PDMP Registration update

The Board was made aware that 81% of licensed podiatrists are currently enrolled in the PDMP program. Licensees will be reminded to enroll in the PDMP within the license renewal email being sent on October 2, 2017.

C. NEW BUSINESS:

1. Proposed regulations addressing the implementation of SB 517

The Board was given a copy of the proposed regulations addressing the implementation of SB 517. There will be a public meeting in October addressing, the fiscal matrix for cost allocation.

2. CME - Hardship Request

The Board reviewed a hardship request for the waiving of in person CME's due to unforeseen financial costs that the podiatrist encountered within the past year.

After a discussion, the Board determined that there are no regulations allowing the Board to waive CME's due to hardship and that current COMAR 10.40.02.03 states:

(2) The Board shall establish the required number of credit hours. Except as set forth in §B(5) of this regulation, the required number of credit hours may not exceed 50 hours for 2 years.

(3) The Board may refuse to renew the license of any podiatrist who fails to comply with these regulations.

(4) The licensee shall earn the required number of credit hours on or before December 1 of the license renewal year.

(5) If by December 1 of the license renewal year, the licensee fails to earn the required number of credit hours, the licensee may request an extension of time until December 31 of the license renewal year to earn the required number of credit hours plus an additional number of credit hours as established by the Board. The Board at its discretion, upon good cause shown, may grant an extension of time up to or beyond December 31, and may impose a requirement that the licensee earn up to double the number of required credit hours still to be earned. For example, if on December 1 the licensee has earned only 40 of the 50 required credit hours, the licensee may be required to earn 20 credit hours to meet the continuing education requirement.

Therefore, the Board decided that the remaining balance of the required 50 CME's not submitted by December 1, 2017 will need to be doubled in the appropriate categories.

3. Inquiry Regarding Approving In Class CME's under .5 Credit Hours

The Board received an inquiry regarding the approval of CME's for the in person category that were under the .5 credit hours. The Board determined that in person CME's will be approved for the amount of credits given at each seminar.

4. Example of the processing of proposed regulations schedule- Educational

The Board received an example of the process and timeline that proposed regulations encounter for educational purposes.

5. Information about CRC requirements

The Board stated that Criminal Record Checks are only required for initial license applications and will not be required for the upcoming license renewal.

6. Discussion on Corporate Name Approval Requirements

The Board was made aware that 5-107 of the Corporations and Associations of the Annotated Code of MD has changed and it is no longer required to approve corporate names. The Statute now states §5-107.

(a) (1) Except as provided in paragraph (2) of this subsection, this section does not apply to a professional corporation in which a majority of stockholders are individuals who are licensed, certified, or otherwise authorized to practice a health occupation under the Health Occupations Article.

(2) This section applies to a professional corporation that provides dental services.

(b) The name of a domestic professional corporation or a foreign professional corporation authorized to transact business in the State shall contain the surname of one or more stockholders of the corporation unless:

(1) The name of the corporation is approved by the appropriate licensing unit;

(2) A certificate of authorization for use of the corporate name is issued to the corporation or to its incorporator by the appropriate licensing unit; and

(3) The certificate of authorization for use of the corporate name issued by the licensing unit is attached to the articles of incorporation document in which the name is adopted.

7. Discussion on Advertising under a Trade Name

The Board was made aware that the advertising under a trade name regulations were still the same and were given a copy for informational purposes.

8. CME Hardship Request

The Board received a CME request to accept an online live seminar course toward the 25 in -person required CME's for licensure renewal due to schedule conflicts causing the inability to make in person seminars. The Board informed the inquirer that anything online can only count towards the accepted 25 online CME's.

OTHER: NPDB- Is It Reportable?

The Board received a copy of NPDB- Is it Reportable from the National Practitioner Data Bank for informational purposes.

With no further business, the Board meeting concluded at 2:15 PM.

Respectfully submitted,

Yvonne Umezurike, Secretary/Treasurer

