

BOARD OF PODIATRIC MEDICAL EXAMINERS

OPEN SESSION MEETING

MINUTES

October 8, 2015

Room 106

The Open Session Meeting chaired by President Craig Friedman, DPM, opened at 1:01 PM.

Board members attending the meeting were Drs. Jay LeBow, Todd Harrison and Philip Cohen. Consumer members present were Jay Boyar and Barbara Crosby. Board member Zachary Chattler, D.P.M. was absent.

Staff attending: Anthony DeFranco, AAG, Sheri Henderson, Administrative Officer, and Elizabeth Amspacher, Licensing Coordinator. Eva Schwartz, Executive Director, was absent.

DHMH Guests attending: Sharon Bloom and Kristen Neville.

MPMA Representative attending: Chanelle Carter, DPM.

Public at large attending: Harold Glazer, DPM.,.

A. MINUTES:

1. Approval of minutes from September 10, 2015, Meeting

The Board approved the September 10, 2015 minutes as submitted.

B. OLD BUSINESS:

2. Consideration for Proposed Regulations for Podiatrists to work as Physician Extenders

The topic is still tabled pending the MPMA's response and meeting with the Board of Physicians.

3. Review of the possibility of owning a PedCT Machine by a Podiatrist in Maryland

The Board discussed whether or not the pedCAT machine is within or exempt from current MRI or CT equipment regulations and self-referral laws for podiatrists. The Board decided to address the Board of Physicians with the issue and the possibility for joint regulations addressing the MRI/CT-

PedCT ownership/usage by a podiatrist. This discussion can be rolled into the same meeting with the Board of physicians addressing the possibility of promulgating joint regulations regarding a podiatrist working with a physician/orthopad, in a post op, etc, situation , dealing w access to the whole body. The Board also will request information regarding podiatrists in other states that use the PedCT machine from Vinti Singh, Regional Sales Manager-Northeast US. The topic is tabled until the meeting with the physicians Board and Ms. Singh's response is received.

4. Maryland PDMP out-of-state data expanded to include West Virginia!

The Board was given an article stating that the Prescription Drug Monitoring Program is expanding into West Virginia for informational purposes.

5. Review of Proposed CME Regulations

The Board reviewed the proposed CME regulations and after discussion of the regulatory process the Board decided to go forward with the proposed regulations as they were submitted and as they appeared in the Maryland Register. However, due to information the Board received after the comments period closed, the Board, as a policy, will continue to accept Board approved CME's that are only .5 credit hours. The new regulations are expected to be in effect in time for the start of accrual of CME's of December 1, 2015 toward the 2018-2019 licensing cycle.

C. NEW BUSINESS:

1. Practice closure and Medical Records

The Board was given a copy of the practice closure and medical records law from Section 4-403(e) of the Health General Article, Annotated Code of Maryland, and COMAR 10.01.16 for informational purposes.

2. Discussion for Criteria for Podiatric Temporary Licensure

The Board discussed the topic of changing the current statute to create the possibility of a podiatrist obtaining a temporary license in the State. The Board decided that they would pursue checking into granting temporary license privileges under certain limited circumstances.

3. Example of a Dispensing Permit

The Board was given an example of a dispensing permit certificate for informational purposes.

4. SB 516 Public Health - Overdose Response Program (Chapter 356)

The Board received a copy of SB 516-Public Health-Overdose Response Program for informational purposes.

5. Scope of Practice Inquiry

The Board reviewed an inquiry regarding whether or not it is appropriate for a physical therapist to accept a referral from a podiatrist with a diagnose of knee pain or any diagnosis regarding lumbar spine dysfunction. After review of the inquiry, the Board determined that a physical therapist can only accept a referral requesting mid-calf and below treatment to remain within the scope of practice of a podiatrist.

6. CME request for ACLS certification

The Board received an appeal regarding a request for additional Continuing Medical Education (CME) credits for the Advanced Cardiovascular Life Support (ACLS) course taken to fulfill the Cardio Pulmonary Resuscitation (CPR) requirements for the 2016/2017 licensure renewal. After review, the request for additional CME credits was denied. Any CPR certification and/or recertification courses are approved for a maximum of 3 CME's in Category A credits.

7. Scope of Practice Inquiry

The Board received an inquiry regarding whether or not Maryland podiatrists can treat venous leg ulcers above the level of the ankle, or simply cannot treat them with split thickness skin grafting? If the former was true, can podiatrists treat other leg ulcers such as ones with trauma as the etiology? Also inquired was whether or not Maryland podiatrists are allowed to surgically treat acute ankle fractures.

The Board's response is as follows: Section 16-101(f)(1) of the Maryland Podiatry Act defines the practice of podiatry as the diagnosis or surgical, medical, mechanical treatment of the human foot or ankle or "the soft tissue below the mid calf." Thus, while the Act does allow for treatment of venous leg ulcers above the level of the ankle, any harvesting and grafting or other treatment can NOT be above the mid-calf.

Regarding the surgical treatment of acute ankle fractures the Board stated that podiatrists are able to perform an open reduction internal fixation of the ankle in a chronic fracture. The Act was amended effective October 1, 2014 to permit podiatrists to perform surgery on any ankle fracture with appropriate hospital credentialing.

D. OTHER

1. The public meeting was closed to discuss a confidential issue under the Open Meetings Act.

With no further business, the Meeting concluded at 2:19 PM.

Respectfully submitted,

Jay H. Boyar, Secretary/Treasurer



**WRITTEN STATEMENT FOR CLOSING A MEETING
UNDER THE OPEN MEETINGS ACT**

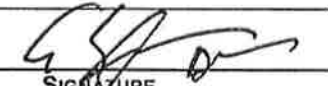
Date: 10/8/15 Time: 2:18p Location: ⁴¹⁴⁰ Patterson Ave Motion to close meeting made by: Craig Friedman
Seconded by LeBow, Members voting in favor: All members
Opposed: _____ Abstaining _____ Absent Chatter

STATUTORY AUTHORITY TO CLOSE SESSION, General Provisions Article, §3-305(b) (check all that apply):

- (1) To discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom this public body has jurisdiction; or any other personnel matter that affects one or more specific individuals;
- (2) To protect the privacy or reputation of individuals concerning a matter not related to public business;
- (3) To consider the acquisition of real property for a public purpose and matters directly related thereto;
- (4) To consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State;
- (5) To consider the investment of public funds;
- (6) To consider the marketing of public securities;
- (7) To consult with counsel to obtain legal advice on a legal matter;
- (8) To consult with staff, consultants, or other individuals about pending or potential litigation;
- (9) To conduct collective bargaining negotiations or consider matters that relate to the negotiations;
- (10) To discuss public security, if the public body determines that public discussion would constitute a risk to the public or to public security, including: (i) the deployment of fire and police services and staff; and (ii) the development and implementation of emergency plans;
- (11) To prepare, administer, or grade a scholastic, licensing, or qualifying examination;
- (12) To conduct or discuss an investigative proceeding on actual or possible criminal conduct;
- (13) To comply with a specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter;
- (14) Before a contract is awarded or bids are opened, to discuss a matter directly related to a negotiating strategy or the contents of a bid or proposal, if public discussion or disclosure would adversely impact the ability of the public body to participate in the competitive bidding or proposal process.

FOR EACH CITATION CHECKED ABOVE, THE REASONS FOR CLOSING AND TOPICS TO BE DISCUSSED:

§3-305(b) (13) Governor's legislative proposal, marked as confidential
§3-305(b) () _____
§3-305(b) () _____

This statement is made by Elizabeth Ampacher, Presiding Officer: 
SIGNATURE