

BOARD OF PODIATRIC MEDICAL EXAMINERS

OPEN SESSION MEETING

AGENDA

November 13, 2014

Room 110

The Open Session Meeting chaired by President Craig Friedman, DPM, opened at 2:04 PM.

Board members attending the meeting were Drs. Zachary Chattler, Jay LeBow, Todd Harrison and Philip Cohen. Consumer members present were Jay Boyar and Barbara Crosby.

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

MPMA Representative attending: Chanelle Carter, DPM.

Public at large attending: Harold Glazer, DPM.

A. MINUTES:

1. Approval of minutes from October 9, 2014, Meeting

The Minutes were approved unanimously as submitted.

B. OLD BUSINESS:

1. Requirement for an educational module by Division of Drug Control for practitioners prescribing scheduled drugs

The Board was made aware that they are no longer required to mandate one (1) continuing education credit (CME) for podiatrists with permits for prescribing scheduled drugs. The Division of Drug Control will devise an educational module that will be required of everyone holding or applying for a prescribing scheduled drugs permit. The Board is considering to award podiatrists CME credit towards their 50 CME requirement for licensure, to be determined after the module is created and placed into effect.

2. Proposed Regulations- COMAR 10.40.07 Civil Penalties

The Board was made aware that the proposed regulations for the Civil Monetary Penalty are going forward.

3. Scope of Practice Inquiry

The Board received an inquiry regarding whether a podiatrist can test a patient's vitamin D level due to a stress fracture of the lateral malleolus; then if the level is off to refer them to their primary care

physician for management every 3 months? After discussion, the Board unanimously agreed that testing for vitamin D levels is within the scope of practice for podiatrists.

4. Inquiry- Criteria for Licensed Nail technicians services in a Podiatrist's Office

The Board reviewed an inquiry regarding if a nail technician can work in a podiatrist's office without having a room or specific location inside the medical office dedicated for only nail care services. Tony DeFranco, Board Counsel, will find out who authorizes offices for technicians to work in as stated in the Maryland Business Occupations and Professions Code §5-605. The topic was tabled until the December 11, 2014 meeting.

5. Maryland Health Occupations Code 16-101

The Board was given a copy of Maryland Health Occupations Code 16-101 for information purposes. It was noted that the word "acute" is no longer included in the statute and the only restriction remaining is the administration of anesthesia.

C. NEW BUSINESS:

1. Inquiry- Records Retention

The Board reviewed an inquiry regarding the requirements of keeping surgical charts and records. The Board referred the podiatrist to the Maryland Code, Health-General, §4-403 for the requirements of retention of records. The Board also stated the mentioned statute is State Law, and Federal guidelines may have additional requirements.

2. Infection Control Guidelines

Eva Schwartz, Executive Director, informed the Board that all podiatrists need to review and make sure they are complying in their practices the Infection Control Guidelines as mandated by law. The Office of Health Care Quality is becoming stricter ensuring that Infection Control protocols are being followed when surveying podiatric Ambulatory Surgical Centers for their licensure/renewal.

3. Inquiry- DNA Testing

The Board reviewed an inquiry on whether or not a podiatrist can perform DNA cheek/mouth swabs for DNA sampling to run tests. After discussion, the Board concluded it needs more information on the topic and how it relates to treatment by a podiatrist.

4. Ebola memo and LHD contact list

The Board was given a copy of the Ebola Memo and LHD contact list for informational purposes, as well as was informed that all podiatrists received a copy of the memo and contact list via email prior to the meeting. The Board raised the question of whether or not a podiatrist could treat a patient who had just

returned from an country endemic with the Ebola virus. Anthony DeFranco, Board Counsel, informed the Board that the AAG's office is already working on getting an answer for that.

5. Criminal background check on licensees- discussion

The Board discussed requiring background checks on all new licensees applying in the state. There was discussion about the timing for this proposed legislation in view of the Board of Physicians exposed issues with licensure, thus the concern that the legislators may feel that adding criminal background checks at the time of renewal of a license as well may be more public safety oriented. After discussion, it was voted to propose legislation during the upcoming session.

6. Review for eligibility for FULL License:

a. Adam Lowy, D.P.M.

b. Bruce McClendon, D.P.M.

The above identified DPM's were approved unanimously for the issuance of a full Maryland License.

With no further business, the Meeting concluded at 2:50 PM.

CLOSED SESSION: Pursuant to Maryland State Government Annotated "10-501 et seq," the Board unanimously approved a motion to close its meeting at 2:50 PM, 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

