

BOARD OF PODIATRIC MEDICAL EXAMINERS

OPEN SESSION MEETING

MINUTES

December 11, 2014

Room 110

The Open Session Meeting chaired by President Craig Friedman, DPM, opened at 1:34 PM.

Board members attending the meeting were Drs. Zachary Chattler, Jay LeBow, 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.

DHMH Guests attending: Paula Hollinger, Kristen Neville, Marian Ruth, and Sharon Bloom.

MPMA Representative attending: Chanelle Carter, DPM.

Public at large attending: Harold Glazer, DPM.

Board Member Absent: Todd Harrison, DPM

A. MINUTES:

1. Approval of minutes from November 13, 2014, Meeting

The Minutes were approved unanimously as submitted.

B. OLD BUSINESS:

1. Inquiry- DNA Testing

The Board reviewed new information obtained for an inquiry on whether or not a podiatrist can perform DNA cheek/mouth swabs for DNA sampling for the purpose of ascertaining the efficacy of medication in assessing pain or swelling in a podiatric patient. After review, the Board determined that it was unable to make a decision based on the information provided. If the Board receives a formal letter with more explicit literature expanding on the scope of the testing and its application to podiatric care, then the Board could better assess the applicability of this procedure and evaluation of results, vis a vis the specific scope of practice of Maryland licensed podiatrists.

2. Criminal background check on licensees- discussion

The Board revisited the proposal requiring background checks on all new candidates applying for a license in the State. Ms. Schwartz reiterated that all initial licenses are vetted with original source documentation and a question relating to criminal background check information. The same applies for

all licensees, at EACH renewal time. Historically, the Board did not receive negative information. The Board decided to postpone introducing legislation until calendar year 2016.

3. Inquiry- Criteria for a licensed Nail Technician 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, and if State approval for such independent practice at such a location is required for the licensed technician. Board Counsel has researched regulations on the topic, but has been unable to come across the regulations on "medical spas". Board Counsel will continue to research regulations on the topic. Answer to the inquiry will be deferred until the January 8, 2015 meeting.

4. Regulations for FEES for Dispensing Medications Permit

Secretary Sharfstein has signed and forwarded to the AELR Committee the proposed regulations, **COMAR 10.40.03 Collection of Fees**. It is anticipated that these proposed regulations will be printed in the January 23, 2015 Maryland Register with the comment period ending February 23, 2015. When the regulations become Final, the dispensing permit fee will be increased to \$1,050.00 for podiatrists for a five year permit. All regulatory requirements including mandatory continuing education are applicable already for those holding dispensing permits.

C. NEW BUSINESS:

1. Inquiry- Requirements for a Medical Assistant Student to complete clinical hours in a podiatric office

The Board reviewed an inquiry about what is required for a medical assistant student, who is not a podiatrist, to be on site and obtain 100 clinical hours with patient contact. The Board said that it is permissible to have a medical assistant student rotating through the office and perform the same duties as those of a podiatric "Medical Assistant". There was one abstention on the vote.

2. Proposed Legislation by Maryland Health Care Commission (MHCC)

The Board was given a copy of the proposed legislation by the Maryland Health Care Commission for increasing the collection of revenue ceiling by \$4,000,000.00, thus the "User fee Assessment" on the licensees. The Board was made aware that if the law passes, it can affect the MHCC user fees assessed at \$36.00 biennially as collected by the Health Care Occupation Boards.

3. Proposed Legislation for Office of Administrative Hearings (OAH)

The Board was given a copy of the proposed legislation for the Office of Administrative Hearings for informational purposes. At this time the Board does not refer cases to OAH, however, it leaves the option open, if a situation were to occur to merit a referral.

4. Guidelines for Unauthorized Refills- State of Emergency- Board of Pharmacy

The Board was given a copy of the Guidelines for Unauthorized Refills- State of Emergency- Board of Pharmacy for informational purposes.

5. Scope of Practice Inquiry regarding ordering a full lower extremity radiograph

The Board received an inquiry regarding whether ordering a full lower extremity radiograph as identified in the submitted inquiry, was within a podiatrist's scope of practice. After review of the inquiry, the Board stated that such an order was within a podiatrist's scope of practice.

6. Scope of Practice Inquiry- Skin Graft Harvesting

The Board reviewed an inquiry about split thickness skin grafts and skin graft harvesting and the anatomical locations allowed for such procedures within Maryland's Scope of Practice for podiatrists. After review of the inquiry, the Board stated that at the present time the scope of practice in Maryland allows split thickness skin grafts as long as obtained and performed within the geographic limits, i.e. below mid-calf. Scope of Practice statute can only be changed through the Maryland Legislative process.

Participation in the process of newly proposed or ongoing legislative process is encouraged by the Maryland Podiatric Medical Association and the Board of Podiatry.

7. Scope of Practice Inquiry- Hyperbaric Oxygen Therapy

The Board received an inquiry asking if it is within the scope of practice for a podiatrist to supervise hyperbaric oxygen therapy. The Board stated that supervising hyperbaric oxygen therapy is within a podiatrist's scope of practice, as long as all the educational criteria was met as well. The Board referred the inquiring entity to the Board's website. Ms. Schwartz stated that the website did not definitively identify the fact that this procedure is within a Maryland licensed podiatrist's scope of practice.

Dr. LeBow requested that the website be amended to clearly identify that the procedure is within scope of practice in Maryland.

8. New Concept proposal for awarding CME's for pro bono podiatric services

Eva Schwartz proposed the concept of awarding Continuing Medical Education Credits for podiatrists who do pro bono podiatric services in a facility. The Board decided that they will move forward with the concept and consider developing regulations, as long as the services and locations are pre-approved by the Board. Further discussion as to the specifics of the requirement is to be continued.

9. Federation of Podiatric Medical Boards Inquiry- Is the Board interested in e-delivery of NBPME Part III (PMLexis) EXAM scores, and Disciplinary Reports?

Eva Schwartz informed the Board that the Federation of Podiatric Medical Boards offers e-delivery of NBPME Part III (PMLexis) Exam scores and disciplinary reports. The Board stated that it wants to continue to receive the original documents for the NBPME Part III (PMLexis) Exam in a hard copy format,

especially, since the Maryland Board of Podiatry pays the Federation dues of \$1,350.00 each year, plus the licensees have to pay \$45.00 to the Federation as well for **each** request for **each** document issued to the Board.

The Board decided that it no longer requires the disciplinary report from the Federation, requiring that Board staff perform a disciplinary history inquiry to the National Practitioner Data Bank (NPDB), in lieu of self-inquiry, when a candidate applies for an Active license. All State Boards are federally mandated to submit their public disciplinary actions to the NPDB, thus this data bank is complete and comprehensive, and it includes malpractice cases, and public settlements, which the Federation does not have. The Federation could access the Board's website for updates on the Maryland Board's disciplinary actions.

10. Review for eligibility for FULL License:

a. Chantel Sanford, D.P.M.

The above identified licensure candidate was approved unanimously for the issuance of a full Maryland License.

D. OTHER:

1. Eva Schwartz informed the Board that there were still twenty five (25) podiatrists who have not submitted their mandatory annual renewal fees within the extended deadline of December 7, 2014. Additionally, eighteen (18) podiatrists have decided to convert their license to inactive or non-renewed for the 2016-2017 licensing cycle. An increase in licensing fees for the 2016-2017 licensing cycle is not anticipated at this time. MHCC fees are independent of licensing fees and although collected by the Board, the revenue is transferred to MHCC as user fees.

With no further business, the Meeting concluded at 2:43 PM.

Respectfully submitted,

Jay H. Boyar, Secretary/Treasurer

