

**BOARD OF PODIATRIC MEDICAL EXAMINERS**

**OPEN SESSION MEETING**

**MINUTES**

**December 10, 2015**

**Room 110**

The Open Session Meeting chaired by President Craig Friedman, DPM, opened at 1:10 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: Anthony DeFranco, AAG, Eva Schwartz, Executive Director, Sheri Henderson, Administrative Officer, and Elizabeth Amspacher, Licensing Coordinator.

MPMA Representative attending: Chanelle Carter, DPM, Richard Bloch, Esq, Executive Director.

Public at large attending: Kristen Neville, Regulatory and Legislative Coordinator, Sharon Bloom, DHMH, and Harold Glazer, DPM.

**ELECTIONS**

Dr. Friedman, President of the Board, requested the elections be held at the end of the Public agenda.

**A. MINUTES:**

**1. Approval of minutes from November 12, 2015, Meeting**

Dr Friedman presented a proposed change to the minutes under "Old Business" item two (2), "Review of the possibility of owning a PedCT Machine by a podiatrist in Maryland". Dr Friedman suggested changing the verbiage from "had no opinion" to "takes no position" at this time. After discussion, the Minutes were approved as submitted with the amendment.

**B. OLD BUSINESS:**

**1. Consideration for Proposed Regulations for Podiatrists to work as Physician Extenders**

Richard Bloch, MPMA, expressed some concerns about having podiatrists work as physician extenders because of the possibility of controversy as to how podiatrists

would be classified and perceived, and the potential for having a podiatrist work outside the scope of practice. Mr. DeFranco, Board Counsel, explained that according to the Board of Physicians' statute, and upon consultation with their Counsel, there is the possibility of promulgating joint regulations between the Board of Physicians and the Board of Podiatry, to address this matter. Through such regulations, appropriate and defined tasks that are not considered at this point within the scope of practice of podiatry can be delegated from a Medical Doctor to a Podiatrist, however, and for example, such extended duties would be more in line with the functions of a Surgical Assistant. The Board requested that Mr. Bloch discuss this topic at the next MPMA meeting to determine if there is any interest in pursuing the promulgation of such regulations.

## **2. Clarification about Categories for CME Accrual in the Online Category**

The new CME regulations have become effective on November 9, 2015. Ms. Schwartz informed the Board that the new regulations do not have specific identifiers or restrictions, regarding the topics of the online 25 CME's permitted to be accrued by the podiatrists. The Board reiterated that the regulations clarify that all CME's must be pre-approved by the Board. Therefore, it would be the licensee's responsibility to assure that the course is approved prior to accruing any continuing education credits. The Board decided that the **online category** will remain open for Board approval for practice management courses and other podiatric or general medicine coursework. Typically, the Board will approve course work by sponsors approved by the Council on Podiatric Medical Education (CPME), within the confines of the Board's specific requirements as addressed by the regulations. The link to the CPME approved sponsors is: [www.cpme.org/education](http://www.cpme.org/education)

## **3. Awarding CME's toward the first license renewal for Initial License Issuance and for Recent Graduates from Podiatric Residency**

Ms. Schwartz discussed the Board's long standing policy for awarding 25 CME's toward the first renewal of the license, for initially (newly) licensed Active status podiatrists, who have received a Maryland license for the first time, as a welcoming gesture for coming to practice in the State. Additionally, this policy permits the award of 50 CME's toward the **FIRST renewal cycle** for a recent

graduate from a **two year** residency program, who has completed the residency program within the current license renewal window. A discussion ensued on the topic. The Board decided to form a subcommittee to work on the topic, and submit their recommendation at the January 2016 meeting. The subcommittee consists of Drs. Friedman, Chattler, and Cohen.

### **C. NEW BUSINESS:**

#### **1. Report on Renewals**

Ms. Henderson informed the Board that as of today there have been 309 podiatrists that have renewed their license, 20 podiatrists that will be converting their license to Inactive status (a “dormant” license), and 16 licensees are relinquishing their license by converting to the Non-renewed status. The starting point of total number of Active licensees was 468.

#### **2. Initial Report of Governor's Regulatory Reform Commission**

Ms. Neville discussed with the Board the Governor’s Regulatory Reform Commission which will report every December for the next two years on complaints that small business owners have against state agencies in regards to their licensing, over-regulating, or other business matters. It was stated that the Boards within DHMH have already successfully incorporated processes to address the type of complaints that have been suggested that needed changing.

#### **3. Review for eligibility for FULL License:**

##### **a. Dong Kim, D.P.M.**

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

### **D. OTHER:**

**1.** Mr. Bloch, Esq., was made aware that at the last Board meeting, the Board voted to change the current online CME accrual requirement from 1 credit to a minimum of 0.5 credits.

**2.** Dr. LeBow, revisited and questioned the Board of Physicians’ laws which as presently interpreted by Board Counsel appear to be prohibiting the possibility of

a Maryland podiatrist owning and operating a PedCT machine. Dr. LeBow reiterated his understanding that the Maryland Board of Physicians should not have the authority to regulate the scope of practice of Maryland podiatrists. Mr. Bloch, MPMA Executive Director, participated in this discussion. The Board decided to reiterate their previously ruled upon “no position” stance on this matter.

**ELECTIONS:**

Board staff distributed voting ballots to the Board members. Dr. Friedman was presented with the final voting counts for the newly elected Board Officers: Jay LeBow, D.P.M. President, Zachary Chattler, D.P.M. Vice President, and Jay Boyar, EdS, Secretary/Treasurer.

With no further business, the Meeting concluded at 2:41 PM.

Respectfully submitted,

Jay H. Boyar, Secretary/Treasurer

