

BOARD OF PODIATRIC MEDICAL EXAMINERS

OPEN SESSION MEETING

MINUTES

December 8, 2016

Room 110

The Public Session Meeting commenced at 1:08 PM, opened by Board President, Dr. Philip Cohen.

Board members attending were: Drs. Chatter, Friedman, Gottlieb, and Umezurike. Consumer members present were Ms. Frona Kroopnick and Mr. Jay Boyar.

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

Representing DHMH: Brandon Wright, Assistant Director for Health Care Occupations Board.

Guests present: Drs. Glazer and Rothstein.

A. MINUTES:

1. Approval of minutes from November 10, 2016 Meeting

The minutes from the November 10, 2016 meeting were approved unanimously, as submitted.

B. OLD BUSINESS:

1. Procedure for Closing an Office

The Board received the following inquiry: What is the procedure for closing an office including information if the podiatrist is required to provide a copy of patients' medical records to them while the office is still open or do they need to wait until the office closes before patients can be charged the allowable duplication fee. Also, how much notice are patients required to get before the closure of an office?

Board Council presented the Board with more detailed information regarding regulation's concerning medical records including the maintenance and destruction of records timelines.

Generally, a podiatrist must maintain medical records for all patients in the podiatrist's care for a minimum of 5 years after the medical record is made or until the patient is 21 years old, whichever is longer. COMAR 10.01.16.04.B. Podiatrists are permitted to contract out to a record management service, so long as that service agrees to comply with and be subject to Maryland regulations. COMAR 10.01.16.04.E. Medical records that have been placed in storage remain the responsibility of the podiatrist. COMAR 10.01.16.04.F. While in storage, the podiatrist must, among other things, ensure that any patient or person in interest can obtain their records upon request, ensure that those records are kept confidential, and ensure that the records are protected against damage, loss, or deterioration.

COMAR 10.01.16.04.F.(1)-(4). If a medical record is kept in electronic form, the podiatrist shall maintain or have access to a compatible electronic hardware and software that will allow the podiatrist to generate a legible copy of the record to comply with patient or government needs. COMAR 10.01.16.04.G.(1). In addition, the podiatrist shall maintain a current back-up copy of all electronically stored medical records. COMAR 10.01.16.04.G.(2).

At the time the podiatrist discontinues his or her podiatry practice, the podiatrist shall immediately secure all medical records until one of the following options are taken:

1. The records are transferred to another podiatrist who will be assuming the podiatry practice;
2. The records may be given to the patient;
3. At the patient's direction, the records maybe transferred to a new podiatrist or other applicable health care provider; or
4. The records may be destroyed in accordance with Maryland regulations.

COMAR 10.01.16.06.A. If a podiatrist retires or otherwise discontinues his or her practice, the podiatrist may appoint a designee who agrees to maintain the podiatrist's medical records. COMAR 10.01.16.06.A. Upon accepting the responsibility of maintaining the podiatrist's records, the designee must:

1. Notify in writing to the Maryland Board of Podiatric Medical Examiners (the "Board") that within a reasonable time the podiatrist's records will now be maintained by the designee in compliance with Maryland regulations;
2. Publish a notice for 2 consecutive weeks in a daily, locally circulated newspaper stating that the records will be transferred or destroyed. The notice must also designate a location, date, and time when the record can be retrieved by a patient or a person-in-interest;
3. Forward the above-referenced notice to each of the podiatrist's patients by first-class mail to the patient's last known address or, if the patient is a minor, by first-class mail to the last known address of the minor's parent or guardian.

COMAR 10.01.06.06.B. If the podiatrist decides to destroy the records, the podiatrist must comply with the notice provisions set forth above. COMAR 10.01.16.06.A.(4).

It was also noted that these are the guidelines for the State; it is advised that podiatrists also check with the Federal regulations such as HIPPA requirements, insurance companies, and other entities that may have different guidelines that need to be followed.

2. OHCQ response to comments made by the Board and MPMA to COMAR 10.05.01.08 and .11

General Requirements (OHCQ)

The Board was informed that the comments submitted by the MPMA and the Board regarding COMAR 10.05.01.08 and .11 were accepted and the proposed requirement that ASC centers would be held at the same standards for the design and construction as hospital outpatient facilities was removed. Under the Quality Assurance Program (QAP) procedures for such are required to be approved by a qualified healthcare practitioner to identify and minimize risks to the patient.

C. NEW BUSINESS:

1. Presentation by Sheri and Beth on Criminal Record Check –CJIS

Sheri Henderson and Elizabeth Amspacher attended the 2016 Non-Criminal Justice Seminar on November 30, 2016 hosted by Criminal Justice Information Systems (CJIS). The Board was giving a brief presentation on topics covered at the meeting which include the security and auditing procedures for background checks. The new background check policy for all incoming new full license applicants will be implemented as soon as all forms and procedures are approved by the Board.

2. Proposed Legislation RE NC Dental Supreme Court Ruling

After discussion, the Board concurred with the comments made by the Board of Dental Examiners (see attachment), regarding the proposed legislation concerning the NC Dental Supreme Court Ruling. One Board member abstained.

3. Review for eligibility for FULL License:

a. Philip Gaspar, D.P.M.

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

With no further business, the Board meeting concluded at 2:12 PM.

Respectfully submitted,

Jay H. Boyar, Secretary/Treasurer

