

**BOARD OF PODIATRIC MEDICAL EXAMINERS
OPEN SESSION MEETING
MINUTES**

**February 14, 2013
Room 110**

The Open Session meeting of the Maryland Board of Podiatric Medical Examiners (Board) was held on Thursday, February 14, 2013, in Room 110, 4201 Patterson Avenue. The meeting was called to order at 1:10 P.M., by Board President Dr. Tanya Sellers-Hannibal.

Additionally, Board members present included: Drs. Jay LeBow, Craig Friedman, Zachary Chatter, and Todd Harrison. Public members of the Board present were Jay Boyar, EdS and Barbara Crosby, RN, BSN.

Staff present: Richard Bloom, AAG, Board Counsel, Eva Schwartz, Executive Director, Sheri Henderson, Administrative Officer and Elizabeth Amspacher, Licensing Coordinator.

Guests present: Lynda McGinnis, Maryland Podiatric Medical Association (MPMA), Paula Hollinger, DHMH, Sharon Bloom, DHMH, and Harold Glazer, D.P.M., visiting Maryland licensed podiatrist.

A. MINUTES:

1. Approval of minutes from January 10, 2013, Meeting.

The minutes of the January 10, 2013 meeting were approved as submitted.

B. OLD BUSINESS:

1. Groupon

The Board was informed that the Public Committee on Groupon advertising met at 12:30 pm, prior to the Board meeting. The Committee decided to submit the question of fee splitting with social media advertising to the Attorney General for an opinion.

2. Criminal Background Check

The Board agreed that criminal background checks will be performed on all new applicants who wish to obtain a license in the state of Maryland. The Board of Podiatry is part of an omnibus bill for such this legislative session.

3. Annell Tucker, D.P.M. approved for Maryland License

The Board approved Annell Tucker, D.P.M. for a Maryland License.

C. NEW BUSINESS:

1. Proposed Legislation for Changing Licensing Requirements

The Board decided to defer this topic to a future meeting.

2. Senate Bill 139- Health Care Practitioners-Prescription Drug or Device Dispensing- Medical Facilities or Clinics That Specialize in Treatment Reimbursable Through Workers' Compensation Insurance

The Board was given a copy of Senate Bill 139- Health Care Practitioners-Prescription Drug or Device Dispensing- Medical Facilities or Clinics That Specialize in Treatment Reimbursable through Workers' Compensation Insurance for informational purposes. The Boards have no position on this bill.

3. Senate Bill 166- Dentists, Physicians, and Podiatrists- Dispensing Prescription Drugs- Inspection by Division of Drug Control

The Board was given a copy of Senate Bill 166- Dentists, Physicians, and Podiatrists- Dispensing Prescription Drugs- Annual Inspection by Division of Drug Control (DDC)- bill introduced by the Board of Pharmacy. The hearing on SB 116 had opposition from the Board of Physicians, Podiatry, and DDC. HB 1032, the House version of this bill, will be heard on February 28, 2013 in front of HGO.

Eva Schwartz, Executive Director, informed the Board that podiatrists who have already been inspected have passed successfully based on the surveys that DDC has performed to date and submitted to the Board.

4. House Bill 140-State Government-Open Meetings Act- Penalty

The Board was given a copy of House Bill 140-State Government-Open Meetings Act- Penalty for informational purposes. The Boards submitted a letter of concern regarding this bill.

5. House Bill 148-State Government-Refund of Fees-Policy

The Board was given a copy of House Bill 148-State Government-Refund of Fees-Policy for informational purposes. The Boards sent a joint letter of concern since the bill would require the refunding of fees for failure to provide a certain service. At the hearing, the Attorney General's Division of Consumer Protection proposed an amendment to take out that provision. The Board's supported the amendment.

6. Inquiry if non-licensed personnel can call in prescriptions to the Pharmacies

The Boards response to the inquiry was that as long as the person calling in the prescriptions is an “agent” such as an employee of the podiatrist, it is permissible. The Board was also informed that FDA has recently approved e-prescribing for scheduled drugs.

7. Inquiry if non-licensed personnel is able to assist in surgery in an ASC

The inquiry was if there are any statutes or regulations on who can assist in a surgical case and what qualifications they must have. This personnel would be in addition to the RN that is monitoring the patient.

The Boards response was that there are no specific regulations regarding who could assist in a surgical case in an ASC, in addition to the licensed personnel. Therefore, the additional personnel that may be trained to assist in a surgical case is not regulated and there is no prohibition against using such personnel.

8. Inquiry regarding flip flops with built in orthotics

The inquiry asked if a medical office is required to charge patients sales tax when selling flip flops with built in orthotics. Additionally it was inquired if the answer would change if the entity pays Spenco sales tax when they propose the product.

The Board responded that there is no sales tax required on the sale of flip flops with built in orthotics to patients.

9. HB 876 - Child Abuse - Failure to Report - Civil Penalty, Fund, and Task Force

The Board was given a copy of HB 876 - Child Abuse - Failure to Report - Civil Penalty, Fund, and Task Force. The Boards determined they have no position on the bill.

10. HB 897 - Professional Licensing and Certification Governing Bodies - Child Abuse Mandated Reporter Training and Discipline

The Board was given a copy of HB 897 - Professional Licensing and Certification Governing Bodies - Child Abuse Mandated Reporter Training and Discipline. The Boards are trying to work on an amendment so that taking a course on recognizing child abuse and neglect would not be a condition of licensure, but would be required before the first renewal period.

11. EHR Medical Records Policies

Board Vice President, Jay LeBow, D.P.M., brought to the attention of the Board the issue that is occurring regarding patient records when switching vendors. The original vendor will hold onto the patients' records until certain fees are met and podiatrists, as well as other health professions, need those records to be released. The Board agrees that this issue should be addressed by all specialties equally. Richard Bloom, AAG, will bring it up at his next AAG's meeting.

With no further business, the meeting was adjourned at 1:52 p.m.

CLOSED SESSION: Pursuant to Maryland State Government Annotated "10-501 et seq." the Board unanimously approved a motion to close its meeting at 1:52 p.m., 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

