

# **BOARD OF PODIATRIC MEDICAL EXAMINERS**

## **OPEN SESSION MEETING**

### **MINUTES**

**September 10, 2015**

**Room 110**

The Open Session Meeting chaired by President Craig Friedman, DPM, opened at 1:41 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, AAG, Sheri Henderson, Administrative Officer, and Elizabeth Amspacher, Licensing Coordinator.

DHMH Guests attending: Sharon Bloom and Kristen Neville.

MPMA Representative attending: Chanelle Carter, DPM.

Public at large attending: Harold Glazer, DPM., and Vinti Singh, Regional Sales Manager-Northeast US .

#### **A. MINUTES:**

##### **1. Approval of minutes from July 9, 2015, Meeting**

The Board approved the July Minutes as submitted.

#### **B. OLD BUSINESS:**

##### **1. Proposed Regulations for PMLexis Waiver**

The Board has decided that the PMLexis Exam will remain as a requirement for all license applicants and will not be promulgating regulations to allow for a waiver under any circumstance for licensure in the state.

##### **2. Proposed Regulations for podiatrists to work as physician extenders**

The Board discussed that it is not within the scope of practice of a podiatrist to perform duties similar to a licensed physician assistant, unless there are regulatorily driven agreements between a physician and podiatrist. The Board discussed moving forward with proposing regulation to allow podiatric practitioners to practice as physician extenders and create such an agreement between the two Boards.

Board Member Jay LeBow, D.P.M., Executive Director, Eva Schwartz, and Kristen Neville will present to the Board of Physicians the idea of creating joint regulations to support podiatrists working at physician extenders. The topic is tabled until after meeting with the Board of Physicians.

The Board also discussed the possibility of a podiatrist supervising a licensed physician assistant. The Board inquired of the MPMA whether the topic has been previously pursued or if the MPMA has interest pursuing the topic. The topic was tabled awaiting the MPMA's response.

### **3. Inquiry- PedCT**

The Board reviewed an inquiry regarding whether or not the pedCAT machine is within or exempt from current MRI or CT equipment regulations and self-referral laws for podiatrists. The pedcat machine is a weight bearing extremity CT scanner dedicated only to the foot and ankle. Ms. Singh, Regional Sales Manager-Northeast US, noted that the equipment is a limited scope device that only rotates once around the foot and ankle only. Anthony DeFranco, AAG, stated that it does not appear that this scanner is so different then the existing equipment that will make this equipment exempt, however, will look into other states regulations regarding these machines. The Board informed Ms. Singh that they can not give advice at this time; however, the MPMA will talk about possible pursuing this matter. The topic is tabled until the AAG and MPMA responses are received.

### **4. Criminal History Records Check proposed legislation**

The Board reviewed the proposed legislation for the criminal history records check that was submitted to DHMH.

### **5. Comments to the proposed CME regulations**

The Board reviewed and discussed the comments to the proposed CME regulations which were posted in the Maryland Register on August 7, 2015. An email was previously disseminated nationally to podiatrists misinforming them that the Maryland Board was abolishing all online CME credits. Board staff was required to respond to all comments informing that the Board submitted proposed regulations that would require podiatrists in Maryland to accrue 25 CMEs in person in their specific professional arena and 25 CMEs would be able to be accrued online or any other media. Additionally, an exception was made that all online CMEs submitted could not be less than 1 credit. 98% of the comments made were objecting to the misleading disseminated information by Dr Alan Sherman, a Florida licensee, who objected to the abolishment of all CME's online, which was the incorrect information. The Board staff has responded to all these comments for out of state licensees stating the correct proposed regulations and informing them that they were misinformed about the Boards proposal. The MPMA has stated in writing to the Board that they agree with the Boards regulatory proposal that would require 25 CMEs to be in person and 25 CMEs would be able to be accrued online or any other media. The issue of the mandatory min 1 CME credit accrual for each submission was discussed and it was noted that there are creditable courses at only .5 CMEs. After a lengthy discussion of the regulatory process the Board decided to go forward with the proposed regulations as they were submitted and as they appeared in the Maryland Register. After the final vote, there was one Board member in opposition.

### **6. Dispensing Permit fees of \$1,050.00 for a five year period became effective July 10, 2015**

The Board was made aware that the new dispensing permit fee of \$1050.00 became effective on July 10, 2015.

## **C. NEW BUSINESS:**

### **1. CME Inquiry- MPMA ICD-10 Course**

The Board reviewed an inquiry on whether or not the ICD-10 course hosted by the MPMA would be accepted this licensure renewal period toward podiatrists required CME credits. The Board approved the course for 5 category A CME credits.

### **2. Proposed Regulations: COMAR 10.40.05 Hearing Procedures**

The Board reviewed the proposed regulations: COMAR 10.40.05 Hearing Procedures for informational purposes.

### **3. Impaired Practitioners Guidelines**

The Board reviewed the Impaired Practitioners Guidelines from the National Practitioner Data Bank for informational purposes.

### **4. Review of Proposed Regulations by B.O.N. regarding CRNA and Podiatrists**

The Board reviewed the proposed regulations by the Board of Nursing to include podiatrists in a collaboration agreement with Anesthesiologists. There was some concern with podiatrists being labeled as a physician collaborator, but the Board decided to await the progress of the proposed regulations.

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

**a. Benjamin Denenberg, D.P.M.**

**b. Bennie Patmon, D.P.M.**

**c. Robert Toomey III, D.P.M.**

The above identified licensure candidates were approved unanimously for the issuance of a full Maryland License.

With no further business, the Meeting concluded at 3:53 PM.

Respectfully submitted,

Jay H. Boyar, Secretary/Treasurer

