

MARYLAND BOARD OF PODIATRIC MEDICAL EXAMINERS

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“Toe the Line”.....a Foot Note April, 2003

BOARD OF PODIATRIC MEDICAL EXAMINERS PERMIT TO DISPENSE

Does your practice dispense prescription drugs?

Section 16-205(a) (02), of the Maryland Podiatry Act, states “After consulting with the State Board of Pharmacy, [the Board will] adopt rules and regulations regarding the dispensing of prescription drugs by a licensed podiatrist;”

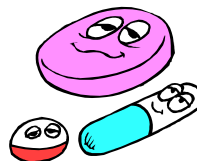
The Board utilizes the provisions of Title 10, Health Occupations Article, Annotated Code of Maryland §10.13.01, Dispensing Prescription Drugs by a Licensee, as the Board’s authority to issue to podiatrists a Permit to Dispense.

If your practice dispenses more than a starter dosages, samples (for no charge), or more than just the administering of a prescription drug in the course of treating a patient, the podiatrist must fill out an Application for Dispensing Permit Packet and forward to the Board for issuance of a Dispensing Permit.

The Dispensing Permit is valid for five years and costs \$5.00, payable to the Board of Podiatric Medical Examiners.

To request an application for a dispensing permit and a copy of the regulation contact the Board office.

For more information, please see pages 5 and 6.



SUBPOENA VIOLATIONS

The Board of Podiatry may issue subpoenas in connection with an investigation or a hearing or proceedings that come before it.

Section 16-315(d) of the Maryland Podiatry Act, states “If, without lawful excuse, a person disobeys a subpoena from the Board or an order by the Board to take an oath or to testify or answer a question, then, on petition of the Board, a court of competent jurisdiction may punish the person as for contempt of court.”

This law authorizes the Board to take disciplinary action if a licensee fails to cooperate with a lawful investigation. Consequently, if you receive a subpoena, it is in your best interest to respond to the order in an accurate, complete and timely manner.

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Scope of Practice Issues Addressed in Public Session

Botox Injections

The Board of Podiatric Medical Examiners reviewed the request by a licensee to administer Botox injections for the treatment of Hyperhidrosis of the foot. The Board determined that the administration of this procedure is within the scope of practice for licensed podiatrists in Maryland.

Ring External Fixation

The Board of Podiatric Medical Examiners reviewed the inquiry regarding the use of ring external fixation, which is placed above the ankle joint for fixation when performing ankle arthrodesis. The Board determined that the administration of this procedure is within the scope of practice for licensed podiatrists in Maryland.

The Board also determined that ankle distraction, which requires the use of ring fixators as well as an injectable synovial fluid such as Supartz, is within the scope of practice.

Pulse Dye Laser to Remove Lesions of the Lower Leg

The Board reviewed the inquiry regarding the use of a pulse dye laser to remove vascular lesions of the lower leg to the tibial tuberosity. The Board determined that this procedure is not within the scope of practice for Maryland podiatrists because the practice of podiatry is limited to treating ailments of the foot or ankle or structures attached to the foot.

Perform Pre Operative H&P

The Board reviewed an inquiry regarding whether it is in a podiatrist's scope of practice to perform the history and physical portion of the pre operative examination.

The Board determined that it is within the scope of practice for a Maryland Podiatrist to perform pre operative H & P's.



What's Not Included in the Practice of Podiatry

Many products and programs have been developed that involve multilevel marketing and product selling. These programs, while pursued in a personal setting, have no impact on the Maryland licensing restrictions of Podiatric Medicine. However, while pursued in the doctor's office in the treatment of patients, these products become a tool of the podiatrist in patient care. As such, it is important for the podiatrist to realize the scope of his/her practice.

It is the opinion of the Board that offering "non medical" products for the treatment of hypertension, weight, cholesterol, and/or other similar medical problems does not, generally, fall within the scope of practice for a podiatrist in the State of Maryland.

Brian Kashan, DPM
Board Member

Continuing Medical Education Opportunities

April 3- April 6, 2003	APMA Region Five Meeting	American Podiatric Medical Association Chicago, Illinois Anne Carey 312-427-5810
April 3- April 6, 2003	Midwest Podiatry Conference	PICA Dermik Laboratories Hilton Chicago & Towers Chicago, Illinois (312) 427 5810 contact Anne Carey http://www.midwestpodconf.org
April 9– April 14, 2003	APMA Leadership Conference and House of Delegates Meeting	American Podiatric Medical Assn. JW Marriott Hotel Washington DC Contact: 301-581-9200
April 10-April 13, 2003	Board Review, Recertification Course	FAPA Fraternal Corporation Philadelphia, Pennsylvania 717-763-7665 ext. 18
April 24 – May 1, 2003	16 th Annual Symposium on Advanced Wound Care http://www.woundcaresymposium.com	HMP Communications The William L. Goldfarb Foundation Las Vegas, Nevada 717-763-7665
May 13 – May 16, 2003	APMA – Region Three Meeting	American Podiatric Medical Association Taj Mahal Atlantic City, New Jersey Contact: bwolff@jersey.net
May 21– May 25, 2003	Surgery, Orthopedics and Primary Podiatric Medicine	Barry University School of Graduate Medical Sciences Podiatric Medicine and Surgery Location: unknown 1-800-319-3338
June 26 – 29, 2003	Western Podiatric Medical Congress	Disneyland Resort, Anaheim California http://www.thewestern.org
Aug. 7 – Aug.10, 2003	APMA Scientific Meeting	American Podiatric Medical Association Marriott, Wardman Park, D.C. 301-581-9200
Sept 12– Sept.14, 2003	A Step-By-Step Approach to Surgical Procedures of the Foot and Ankle	The William L. Goldfarb Foundation Pittsburgh, Pennsylvania 717-763-7665

Oct. 10 – Oct. 12, 2003	Conservative Approaches to Common Podiatric Problems	The William L. Goldfarb Foundation Williamsburg, Virginia 717-763-7665
Nov.14 – Nov.16, 2003	32 nd Annual Goldfarb Clinical Conference	The William L. Goldfarb Foundation Harrisburg Hilton & Towers Harrisburg, Pennsylvania 717-763-7665

Collection of Fees

Board fees have not increased in 10 years due to a never-ending effort to keep costs down. However, in order to meet increasing operating expenses the Board reached the inevitable conclusion that fee increases were vital to the survival of the Board.

The following fees have been amended into Regulation .02 under COMAR 10.40.03 Collection of Fees:

License Fees:

Application fee.....\$50.00

Eligibility for PM Lexis
Examination \$50.00

License fee:

(a) January issue..... \$850.00

(b) July issue \$650.00

License Renewal fees:

Biennial license renewal fee
mandatory annual payments \$425.00

Late renewal fee \$100.00

Other Fees:

Certification of license fee \$25.00

Roster Fee \$100.00

Failure to submit change of
address..... \$100.00

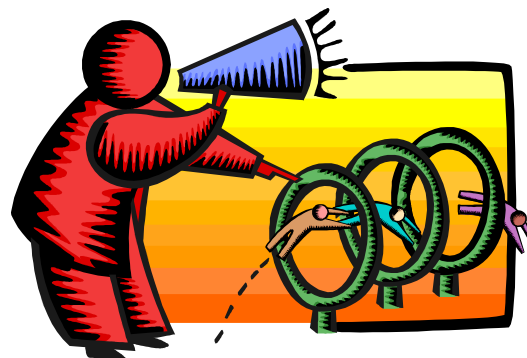
Request for Public Order.... \$50.00

The new fee schedule will be implemented in April 2003. Consequently, the 2nd installment towards the 2004-2005 biennial license renewal fees will be \$425.00.

Legislative Update

House Bill 257

This bill requires nominees to the Board to have peer review experience; standardizes the licensure requirements between all categories of licensure candidates; and increases penalties for violations of the Maryland Podiatry Act by bringing the penalty amounts in line with other comparable Health Occupation Boards.



Title 10 DEPARTMENT OF HEALTH AND MENTAL HYGIENE

Subtitle 13 DRUGS

Chapter 01 Dispensing of Prescription Drugs by a Licensee

Authority: Health Occupations Article, § 12-102, Annotated Code of Maryland

.01 Scope.

This chapter defines the parameters under which a licensee may dispense prescription drugs in accordance with Health Occupations Article, § 12-102, Annotated Code of Maryland.

.02 Definitions.

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) "Board" means the Board of Dental Examiners, the Board of Physician Quality Assurance, or the Board of Podiatric Medical Examiners.

(2) "Licensee" means the dentist, physician, or podiatrist who is licensed by the appropriate Board to practice in Maryland.

(3) "Public interest" means the dispensing of prescription drugs by a licensee to a patient when a pharmacy is not conveniently available to the patient.

.03 Application for Dispensing Permit.

A. The licensee shall complete an application on a form approved by the appropriate Board and pay a fee in accordance with the fee schedule for:

(1) Physicians at COMAR 10.32.01.11;

(2) Podiatrists at COMAR 10.40.03; or

(3) Dentists at COMAR 10.44.20.

B. The application shall require the following information to indicate that the licensee is prescribing in the public interest:

(1) The name, address, and license number of the applicant;

(2) A certificate by the applicant that the applicant:

(a) Shall comply with the dispensing requirements set forth in Regulation .04 of this chapter, and

(b) Is thoroughly familiar with the statute and regulations which govern dispensing of prescription drugs set forth in Health Occupations Article, Title 12, Annotated Code of Maryland, and COMAR 10.34.

C. Each permit issued to a licensee expires 5 years after its date of issuance and is renewable upon timely submission of a renewal application in accordance with the requirements set forth in this regulation. The fee schedule set forth in § A of this regulation applies to all renewal applications.

.04 Dispensing Requirements.

- A. A licensee shall submit an application to the appropriate Board on the form that the Board requires.
- B. A licensee may not dispense prescription drugs until a written permit is received from the appropriate Board, except that a written permit is not required in order to dispense starter dosages or samples provided without charge.
- C. A licensee shall dispense prescription drugs only to the patients of the licensee.
- D. A licensee shall comply with the labeling requirements of Health Occupations Article, § 12-509, Annotated Code of Maryland.
- E. A licensee shall record the dispensing of the prescription drug on the patient's chart.
- F. A licensee may not have a substantial financial interest in a pharmacy.
- G. A licensee shall allow the Division of Drug Control to enter and inspect the licensee's office at all reasonable hours.
- H. A licensee shall, except for starter dosages or samples provided without charge, provide the patient with a written prescription.
- I. A licensee shall maintain a separate file for Schedule II prescriptions. All other prescriptions shall be kept:
- (1) In another file; and
 - (2) For 5 years.
- J. A licensee shall dispense prescription drugs to a patient only when a pharmacy is not conveniently available to the patient. The decision whether a pharmacy is conveniently available shall be made by the patient based upon factors to be determined solely in the discretion of the patient.
- K. A licensee shall maintain a single form in each patient's chart for each patient to whom prescription drugs are dispensed. At a minimum, the form shall:
- (1) Indicate that a pharmacy is not conveniently available to the patient;
 - (2) State that the determination that a pharmacy is not conveniently available was made solely by the patient; and
 - (3) Be signed and dated by the patient before dispensing prescription drugs to the patient for the first time.
- L. A licensee shall display prominently a sign which informs the patient that prescription drugs can be purchased from the permit holder if the patient determines that a pharmacy is not conveniently available to the patient.

.05 Failure to Comply with Dispensing Requirements.

A licensee who fails to comply with the requirements governing dispensing of prescription drugs may be subject to disciplinary action pursuant to Health Occupations Article, § 4-315(a), 14-404, or 16-312, Annotated Code of Maryland.