

BOARD OF PODIATRIC MEDICAL EXAMINERS

OPEN SESSION MEETING

MINUTES

February 9, 2017

Room 110

The Public Session Meeting commenced at 1:11 PM, opened by Board President, Dr. Philip Cohen.

Board members attending were: Drs. Friedman, Gottlieb, and Umezurike. Consumer member present was Mr. Jay Boyar.

Board Members Dr. Chattler and Ms. Kroopnick were absent.

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

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

Representing MPMA: Richard Bloch, Executive Director.

Guests present: Drs. LeBow and Rothstein.

A. MINUTES:

1. Approval of minutes from January 12, 2017 Meeting

The minutes from the January 12, 2017 meeting were approved unanimously as submitted.

B. OLD BUSINESS:

1. Review of the Proposed Regulations for COMAR 10.40.01.05 Post-Graduate Clinical

Training

The Board re-visited the topic of proposed regulations pertaining to COMAR 10.40.01.05 Post-Graduate Clinical Training. After discussion, the Board decided to rescind its original vote which changed the language of the regulation from "Shall complete 1 year of post-graduate clinical training in a residency program" to state "successful completion of an approved residency program". Subsequently, the Board voted to change the proposed regulation to state "satisfactory completion of two years in a podiatric post graduate medical education program in medicine and surgery". The majority vote carried with one Board member opposed and two Board members absent.

2. Guidelines for initial licensure applicants concerning the mandatory criminal background check requirements

The Board will now require all new incoming full license applicants to have a criminal background check. All relevant information will be posted on the Board's website.

C. NEW BUSINESS:

1. SB- 225- Civil Actions- Noneconomic Damages- Catastrophic Injury

The Board reviewed SB-225-Civil Actions- Noneconomic Damages- Catastrophic Injury. The Board has no position on the Bill.

2. SB-137-State Government- Maryland Uniform Electronic Legal Materials Act

The Board reviewed SB- 137- State Government- Maryland Uniform Electronic Legal Materials Act. The Board has no position on the Bill.

3. SB- 428- State Board of Pharmacy - Dispensing of Drugs Containing Controlled Dangerous

Substances - Requirements

The Board reviewed SB-428-State Board of Pharmacy- Dispensing of Drugs Containing Controlled Dangerous Substances- Requirements. The Board took no position on the Bill.

4. SB 517/HB 628- Secretaries of Principal Departments-Supervision and Review of Decisions and Actions by Units Within Departments

The Board reviewed SB 517/HB 628- Secretaries of Principal Departments- Supervision and Review of Decisions and Actions by Units within Departments. The Bill has a hearing on Wednesday, February 15, 2017. The Board agreed with the Bill with the stipulation that the fiscal impact would be minimal.

5. SB 693- Co-Prescribing Naloxone Saves Lives Act of 2017

The Board reviewed SB- 693- Co-Prescribing Naloxone Saves Lives Act of 2017. The Board took no position on the Bill.

6. Inquiry- Quadrastep CME Credits

The Board received an inquiry regarding approval of CME credits for Quadrastep's *Take the Mystery out of Gait: 4 Simple steps to Becoming an Expert* program.

After review of the course and material provided, the Board decided that the program, while cloaked in the guise of biomechanical education, is focused on the use and sale of a particular device. The information provided during this course is intended solely to support a business model and/or system. Therefore, the request for CME credits was denied.

7. Inquiry from Dr. David Freedman

Dr. David Freedman sent the following inquiry to the Board: I am working with MPMA, APMA and Podiatrists in our CAC regarding a new LCD DL35125 Wound Care that Novitas has submitted for public comment. The window to submit is very tight, deadline 3/9/2017. I am hoping to receive a reply back from the board regarding the wound care issue that has been raised by Novitas in their proposed LCD, I

am sorry for the short notice before the Thursday state board meeting but I just found out the dates and I am hoping I can present it at the CAC meeting on 2/15/2017 as evidence. The link to this proposed LCD is: https://www.cms.gov/medicare-coverage-database/details/lcd-details.aspx?LCDId=37162&ContrlD=331&ver=7&ContrVer=1&CntrctrSelected=331*1&Cntrctr=331&DocType=Proposed_NRTF&bc=AgACAAQAAAAAAAA%3d%3d&

We agree with their statement:

Novitas Medicare has made the following statement in the proposed LCD that we agree with, "Medicare payment policy rules nor this LCD replace, modify or supersede applicable state statutes regarding medical practice or other health practice professions acts, definitions and/or scopes of practice".

We disagree on the limitations in the LCD.

Limitations: "Debridements will be limited to eight total services per year for any of the debridement codes listed in this LCD (CPT codes 11000,11004-11006,11010-11044, 97597 and 97598). Of the eight debridements, no more than five debridements involving removal of muscle and/or bone (CPT codes 11043, 11044) per year will be considered reasonable and necessary." and "No more than 6 NPWT (CPT codes 97605-97606) services in a four month period will be considered reasonable and necessary."

I trust that the State Board of Podiatric Medical Examiners agrees with my position and that the Board has the right to state in a letter back to me:

A podiatrist who practices in the state of Maryland, it is within the scope of practice that podiatrists can perform wound care, wound debridement's, and application of Disposable Negative Pressure Wound Therapy. In addition, the number of services provided should be medically necessary based on the doctor's medical evaluation of the patient's condition, diagnosis, and plan. In no way should there be a limit on the number of services for wound care, wound debridement's, and application of Disposable Negative Pressure Wound Therapy when medically necessary. The Board disagrees with the Novitas proposed LCD DL35125 Wound Care putting any restrictions on the number of services provided by our practitioners to provide services to Medicare patients covered under Novitas Medicare.

I appreciate the board's time and help reversing this potentially dangerous situation for podiatrists not to be limit services that are medically necessary.

The Board's response was: It is within the scope of practice of a Maryland licensed podiatrist to perform wound care, wound debridement and application of Disposable Negative Pressure Wound Therapy. In addition, the number of services provided should be medically necessary based on the doctor's medical evaluation of the patient's condition, diagnosis, and plan of care.

8. Budget- FY 2018

Ms. Schwartz informed the Board that the Budget for Fiscal year 2018 was approved as requested.

9. Review for eligibility for FULL License:

a. Melody Stouder, 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 2:50 PM.

Respectfully submitted,

Jay H. Boyar, Secretary/Treasurer

