

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

**February 9, 2012
Room 110**

The Open Session meeting of the Maryland Board of Podiatric Medical Examiners (Board) was held on Thursday, February 9, 2012, in Room 110, 4201 Patterson Avenue. The meeting was called to order at 1:26 P.M., by Board President Dr. Tanya Sellers-Hannibal.

Additionally, Board members present included: Drs. Steve Chatlin, Jay LeBow, and Craig Friedman. Board member Zachary Chatterer was not present. Public members of the Board present were Barbara Crosby, RN, BSN and Jay Boyar, EdS.

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

Guests present: Lynda McGinnis, D.P.M., Maryland Podiatric Medical Association (MPMA), and Harold Glazer, D.P.M., visiting Maryland licensed podiatrist. Paula Hollinger, DHMH, was not present at the meeting.

A. MINUTES:

1. Approval of minutes from December 8, 2011, Meeting.

The minutes of the January 12, 2012 meeting were approved as submitted.

B. OLD BUSINESS:

1. SB 866- Health Occupations Boards-Regulations and Scope of Practice Advisory Committees.

The Board was given an update on Health Occupations Boards- Regulations and Scope of Practice Advisory Committees bill. It was discussed that the bill is going forward with a hearing in February. The Secretary of DHMH is in support of the bill and the Attorney Generals office has no opinion. The Board decided to do an online vote for whether they support the bill or not later in the month after gathering more information.

2. Review Laser Statement

The Board reviewed the laser advertising statement to be posted on the internet. Richard Bloom, AAG, will make revisions to the statement as requested by the Board. The statement will be posted on the website as soon as approved by all Board member post final amendments. The statement is as follows; "Pursuant to the Board's Regulations, advertisements may not include statements containing misrepresentations of facts that are likely to mislead or deceive because in

context the statement makes only partial disclosure of relevant facts; and likely to create false or unjustified expectations of favorable results. *Code of Maryland Regulations (COMAR) 10.40.06.03*. This applies to devices not FDA approved or cleared for the treatment of toenail fungus, and must contain a statement indicating that the device has not received FDA approval or clearance.”

C. NEW BUSINESS:

1. FY 2013 Budget Issues- BRFA Cuts- Budget Hearings 2/8-2/9

The Board reviewed the proposed budget cut and the rebuttal letter that The Health Occupation Boards’ Fiscal Liaison presented on behalf of the Board of Podiatry at the House and Senate Budget Hearings. The letter to be presented at the hearing stated that our budget can not afford such a cut and transfer of the cut into the General Fund, due to the loss of active Licensees this past renewal period, the start of two positions within the Board office that were previously frozen, and the previous revenue collections projections not being met. Lynda McGinnis, D.P.M., Maryland Podiatric Medical Association (MPMA), stated that the President of the MPMA, Jerry Katz, D.P.M. was in Annapolis and trying to help to protect the transfer of cut Funds to the General Fund. The Board discussed possible solutions to the budget cut in the BRFA Budget language, if implemented. Both Dr. Sellers-Hannibal and Eva Schwartz personally spoke and communicated via email with Secretary of the Department of Budget Management, who proposed this cut. Secretary Foster was not amenable to reverse her decision. Subsequently, other avenues for lobbying to retain the money from transfer to the General Fund were being discussed.

2. SB-163- Health Insurance-Diabetes Treatment- Coverage for Orthotics (Hearing Held 2/1/12-No Action)

The Board discussed SB-163- Health Insurance-Diabetes Treatment- Coverage for Orthotics and was informed there is no action taken yet. Lynda McGinnis, D.P.M., Maryland Podiatric Medical Association (MPMA), informed the Board that the MPMA has not made a decision on the bill, and to her knowledge Senator Pugh produced the bill after being contacted by multiple people on the issue. The Board has not taken a position.

3. SB-308- Environment- Radiation Sources- Podiatry Radiation Machines (Hearing Scheduled 2/21/12)

The Board was presented with the SB-308- Environment- Radiation Sources- Podiatry Radiation Machines bill, and informed the hearing will be held on February 21, 2012. The bill entitles Podiatrists a chance to fix their radiation machines before being penalized. The Board decided to write a letter of support for this bill.

Additionally, Lynda McGinnis, D.P.M., (MPMA), informed the Board that Jerry Katz, D.P.M., MPMA President, would like any Podiatrist that has been penalized to contact him and participate in the letter of support for the bill.

4 HB-323 Health Occupations-Licensed Podiatrists- Scope of Practice- Acute Ankle Fracture (Hearing Cancelled)

The Board was informed that HB-323 Health Occupations-Licensed Podiatrists-Scope of Practice- Acute Ankle Fracture hearing was cancelled.

- a. SB 598- sponsored by Senator Young -No hearing date yet
Scheduled-Education Health and Environmental
Affairs (EHEA)

HB-323 Health Occupations-Licensed Podiatrists-Scope of Practice- Acute Ankle Fracture got a new sponsor who took the bill up to the Senate. A hearing has not been scheduled yet for SB 598- in (EHEA). The Board expressed concern over the lack of residency programs in the State. As well as the present scope of practice, does not encourage podiatrists trained in other states in treating acute ankle fracture from coming into MD as licensees. The Board will write a letter of support for this bill.

5. Review for eligibility for FULL License:

- a. **Kevin Thomas, D.P.M.**
- b. **Gordon McCrary, D.P.M.**
- c. **Matthew Testani, D.P.M.**
- d. **Kevin Curlis, D.P.M.**

The Board reviewed and approved the issuance of a Full license for the above applicants. Dr. Lebow requested that a welcome letter gets issued to each new licensee, inviting them to the very next Board meeting, as well as informing them of the other meetings and news posted on our website. **All four licensees will be issued such a letter and all other candidates, henceforth.**

6. FYI- Topics Quarterly Newsletter Volume 26/No. 4 Winter 2011 from Gordon, Feinblatt, Rothman, Hoffberger & Hollander, LLC

A Copy of the *Topics Quarterly Newsletter Volume 26/No. 4 Winter 2011 from Gordon, Feinblatt, Rothman, Hoffberger & Hollander, LLC* was provided to the Board for informational purposes.

7. Memorandum of Understanding Between Maryland Department of Human Resources and Data Sharing for Professional License Suspension Program (Amended-New Attachment)

The Board was given a copy of the Memorandum of Understanding Between Maryland Department of Human Resources and Data Sharing for Professional License Suspension Program. It was explained that the Memorandum is to prevent people who are applying for licensure to receive one if they are behind in their child support payments. It also suspends current licensees if they fall behind in their payments. The Board voted to sign the Memorandum; one member opposed.

8. HB-496-Child Abuse and Neglect- Failure to Report-Penalties

The Board noted that the HB-496-Child Abuse and Neglect- Failure to Report-Penalties bill was an old bill amended. The bill now imposes a fine for the failure to report child abuse. It was noted by Richard Bloom, A.A.G., that there will still be due process before someone is fined. The Board vote to support the bill was unanimous.

With no further business, the meeting was adjourned at 2:28 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 2:28 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

