

BOARD OF PODIATRIC MEDICAL EXAMINERS
OPEN SESSION MEETING MINUTES
March 12, 2009

The Open Session meeting of the Maryland Board of Podiatric Medical Examiners was held on Thursday, March 12, 2009, in Room 110, 4201 Patterson Avenue. The meeting was called to order at 1:14 p.m. by President Dr. David Freedman. Board members present were Drs. Ira Gottlieb, Jay LeBow, Tanya Sellers-Hannibal, and Mrs. Ernestine Jones Jolivet. Also present were Eva Schwartz, Executive Director, Grant Gerber, AAG, and Sally Reier, Administrative Officer. Guests present were Lynda Lardner-McGinnis, D.P.M., Maryland Podiatric Medical Association (MPMA) representative, Paula Hollinger, Associate Director of Health Work Force, and Sharon Bloom, Executive Assistant.

A. MINUTES:

The minutes from the February 12, 2009 meeting were reviewed and unanimously approved as submitted.

B. OLD BUSINESS:

1. FY 2010 Budget

Ms. Schwartz informed the Board that staff recently attended the Senate Budget Hearings in Annapolis. The Board's vacant Licensing Coordinator position is currently frozen. Ms. Schwartz submitted a request for a freeze exemption as the Licensing Coordinator function is vital to the Board.

C. NEW BUSINESS:

1. Maryland Health Care Commission (MHCC) user fee

The Board reviewed the MHCC's announcement of a \$26.00 biennial renewal fee for FY10 and FY11. The Board determined that this announcement was provided for informational purposes and requested staff to include this information in the next newsletter.

**2. Proposed Legislation House Bill 1275 (HB 1275)
Health Occupations Boards – Revisions**

The Board reviewed this proposed legislation which incorporates some of the recommendations of the Task Force on the Discipline of Health Care Professionals and Improved Patient Care. Ms. Schwartz stated that the boards are proposing amendments to HB1275.

3. Proposed Board Policy for evaluating renewal applications for CME compliance

– Florida Board of Podiatry

The Board reviewed this information regarding the citation and fine that the State of Florida imposes on licensees that fail to complete continuing medical education (CME) credit hours for license renewal. The Board discussed the significant additional workload imposed upon Board staff as a result of licensees who fail to complete timely license renewals. Staff was requested to direct licensees with CME concerns to the Board's website where CME information is readily available. The Board discussed that the late renewal fee increased to two hundred fifty dollars (\$250.00) and is hopeful that licensees will be timely with the submission of license renewals.

The Board discussed that the online renewal process has been well received and requested staff to include renewal information in the next newsletter. The Board identified that the APMA could begin communicating renewal information to its membership and may want to consider using an electronic mail notification for same.

4. Inquiry from Dr. Freedman regarding CPT code 99354

The Board reviewed the inquiry from Dr. Freedman regarding CPT code 99354. The Board determined that the CPT code 99354 (add on for time spent with patient) is within the scope of practice of podiatry in Maryland. As such, the Board requested staff to send a letter to Dr. Freedman informing him of same.

5. Proposed Legislation House Bill 756 (HB756) Cultural and Linguistic Health Care Provider Competency Program

The Board reviewed this proposed legislation and unanimously determined to support a "No position with explanation" response in this matter. The Board reviewed that CMEs are currently approved for courses in foreign language for healthcare providers and cultural competency programs.

6. Inquiry from Dr. Freedman regarding Board policy on hyperbaric oxygen performed by podiatrists

The Board reviewed this inquiry which Dr. Freedman forwarded from the APMA regarding the Board policy on hyperbaric oxygen performed by podiatrists in Maryland. The Board affirmed its prior determination that podiatrists may assume the responsibilities of administrative medical director of a hyperbaric center; however, podiatrists may not assume the supervision of whole body Hyperbaric Oxygen Therapy. The Board determined that administering Hyperbaric Oxygen Therapy localized to the lower extremities is within the scope of practice of podiatry in Maryland. Staff was requested to send a letter to Ms. Lin, Associate Director, State Advocacy of the APMA informing her of the Board's policy.

D. OTHER:

1. Proposed Legislation Senate Bill 634 (SB 634) Professional Corporations – Professional Services – Multiple Professions

Ms. Schwartz informed the Board that HB 634 is proceeding without opposition.

2. Podiatric assistants

Staff informed the Board that a podiatrist phoned the office inquiring if a podiatric assistant may cut nails. The Board affirmed its prior determination that a podiatric assistant may cut nails under the direction of a podiatrist. The Board noted that a podiatrist may not bill Medicare for this service when performed by a podiatric assistant.

With no further business, the meeting was adjourned at 2:21 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 2:21 p.m., for the purpose of complying with the Maryland Medical Practice Act that prevents public disclosures about particular proceedings or matters.

Respectfully submitted,

Ernestine Jones Jolivet, Secretary/Treasurer