

BOARD OF PODIATRIC MEDICAL EXAMINERS
OPEN SESSION MEETING MINUTES
March 11, 2010

The Open Session meeting of the Maryland Board of Podiatric Medical Examiners was held on Thursday, March 14, 2010, in Room 108/109, 4201 Patterson Avenue. The meeting was called to order at 1:13 p.m. by Dr. Ira Gottlieb. Board members present were Drs. Jay LeBow, Tanya Sellers-Hannibal, and Ms. Barbara Crosby and Mr. Jay Boyar. Also present were Eva Schwartz, Executive Director, Francesca Gibbs, Staff Attorney, OAG, Sally Reier, Administrative Officer and Robyn Day, Administrative Specialist. Guests present were Lynda Lardner-McGinnis, D.P.M., Maryland Podiatric Medical Association representative (MPMA), Paula Hollinger, Associate Director of Health Work Force, and Sharon Bloom, Executive Assistant.

A. MINUTES:

The minutes from the January 14, 2010 and February 11, 2010 meetings were reviewed and approved as submitted.

B. OLD BUSINESS

1. Maryland Medicaid – Notice to Providers

The Board supports the coordination of a shared licensure database and the release of Social Security numbers for read only identification of providers. Dr. Jay Lebow would like assurances that there will be notification if there is any data security breach.

2. Proposed Legislation

House Bill 114/Senate Bill 291 – Health Occupations Boards – Revisions

Paula Hollinger stated that the above stated Bills were basically stagnant and to date have not been voted on. The House is waiting for the Senate and if the Bill is not addressed before the cross-over dates of March 23 for the House and March 29 for the Senate, it is unlikely that it will be acted upon.

House Bill 1410/State Bill 1005 – Funding Podiatry Residency Programs

SB1005 will be heard Wednesday, March 17, 2010. HSCRC is opposing funding the Podiatry Residency Programs through the mechanism as drafted in the Bill. The Board will testify identifying the declining trends in practicing podiatrists and subsequent decline in revenue. Dr. Lardner-McGinnis pointed out that despite the Bill being poorly written, making it easy to kill, the testimony will open the subject for discussion at a later session.

3. DSD Final Publication of COMAR 10.40.02. 10.40.03

CPR Regulations go into effect March 22, 2010.

4. Consistent date standard for number of malpractice cases

The date to initiate the tracking of the number of malpractice cases in a five year period will be the date that the Board becomes aware of the case regardless of where the notice originates, unless there are extenuating circumstances.

5. Child Support Obligations

Upon request, the Maryland Child Support Enforcement Administration (MCSEA) may request licensee's name, address, social security number and description of license held. Further, upon request of the MCSEA, the Board shall suspend or deny an individual's license if the licensee is in arrears amounting to more than 120 days under the most recent order.

C. NEW BUSINESS

1. Scope of practice inquiry regarding CPT Codes, 93923, 93925, 93963, 93965

The Board found that all codes listed below are within the scope of podiatric practice and requested that a letter be sent to Shashank Srivastara, D.P.M. informing him of such.

- **CPT Code 93923** – Non-invasive physiological studies of the upper and lower extremities, multiple levels
- **CPT Code 93925** – Duplex scan lower extremity arteries
- **CPT Code 93963** – Non-invasive physiologic studies of extremity veins
- **CPT Code 93965** – Duplex scan of extremity veins

2. 2011 Budget Submission

The FY 2011 budget submission is complete; \$7300 was cut from the FY 2010 Budget. Funds were not cut from the FY 2011 Budget. The Board is required to make budgetary plans for licensing fees intended for operations for the next five years. However, it appears that future budgets would need to be capable of accommodating further cuts.

3. National Data Bank

Effective March 1, 2010 there will be additional categories of public postings of disciplinary actions, for example, malpractice, credentialing, and hospitals reporting loss of privileges of staff providers.

4. HB 1357 – Professional Boards – Transfer of Funds – Repayment

House Bill 1357 has been introduced to prevent the transferring of money from certain Health Occupations Boards' Special Funds to the General Fund of the State except under certain circumstances.

5. Request approval from MPMA for Authorization of Corporate Name

Thuy-Linh Nguyen, D.P.M., has applied for authorization of the corporate name *Family Foot and Ankle Care, PC*. The Board approved the request. The Board will submit the application to the Maryland Podiatric Medical Association for review and approval.

6. Maryland Department of Energy (MDE) – Radiologic Equipment Regulations

Dr. Gottlieb noted that there are two types of inspections. The Interim Inspection addresses that the equipment is operating properly and that record keeping processes includes logging service and continuity of maintenance schedule as recommended by the manufacturer. The bi-annual is a more comprehensive inspection, but often the Interim Inspection which is less stringent merges the bi-annual components.

The Board will send a letter to MDE requesting modification of their forms stating that “all personnel who apply x-rays to humans for diagnostic or therapeutic purposes are registered or certified by the Board of Physician Quality Assurance”, as the Maryland Board of Podiatric Medical Examiners is not under the purview of the Board of Physicians, thus the requirement should not apply.

Dr. Gottlieb suggested that it would be helpful to invite Mr. Jerry Adams, of MDE, to speak with the Board, bring forms, and answer questions. An invitation will be extended for the April Open Session Meeting. Subsequently, it was decided to wait for the meeting with Mr. Adams before sending the letter to MDE.

7. Scope of practice inquiry regarding CPT Code 93923 by Dr. Taubman

The Board found that CPT Code 93923 is within the scope of podiatric practice and requested that a letter be sent to Ross Taubman, D.P.M. informing him of such.



With no further business, the meeting was adjourned at 2:33 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 2:33 p.m., for the purpose of complying with the Maryland Medical Practice Act that prevents public disclosures about particular proceedings or matters.

Respectfully submitted,

Barbara A. Crosby, Secretary/Treasurer