

**BOARD OF PODIATRIC MEDICAL EXAMINERS  
OPEN SESSION MEETING MINUTES (AMENDED)**

**March 10, 2011  
Room 110**

The Open Session meeting of the Maryland Board of Podiatric Medical Examiners was held on Thursday, March 10, 2011, in Room 110, 4201 Patterson Avenue. The meeting was called to order at 1:15 p.m. by President Dr. David Freedman.

**Additionally, board members present included: Drs. Tanya Sellers-Hannibal, Jay LeBow, Steve Chatlin, and Craig Friedman. Public members of the board were Jay Boyar and Barbara Crosby.**

Staff: Eva Schwartz, Executive Director, Richard Bloom, AAG, and Sheri Henderson, Administrative Officer.

Guests present: Mark Spier, D.P.M., Linda McGinnis, D.P.M., Maryland Podiatric Medical Association (MPMA), Paula Hollinger, DHMH, Sharon Bloom, DHMH and Kristen Neville, Boards and Commission

**A. MINUTES:**

**The minutes of the February 10, 2011 meeting were approved with changes.**

The changes made to the February 10, 2011 minutes are as follows:

- 2. Inquiry from Bradley Lamm, D.P.M -If an Ankle Supramalleolar Osteotomy is within the scope of practice.**

**The Board indicated that Supramalleolar Osteotomy that **corrects** the ankle pathology is within the scope of practice.**

**And**

- 7. Scope of Practice Inquiry-ReBuilder Medical Inc.**

**The Board voted to approve the following:**

- a. In the State of Maryland, a podiatrist can, **prescribe** the ReBuilder for a patient who has met the criteria.**

The amended minutes will be posted as approved on the Board's website.

**B. OLD BUSINESS:**

- 1. Updates on the Board's sanctioning guidelines process**

The Sanctioning guidelines are still under review by the Assistant Attorney General's Office (AAG).

## **2. Reporting on testimony in Annapolis**

The Board requested the withdrawal of HB 52 PMA, due to numerous proposed amendments in HGO, amendments that would not have served the podiatric community well, and would not have been sustainable financially by the Board.

HGO recommended that the bill be moved to summer study, and address the x-ray component of the bill only.

In HGO, on HB190-Volunteer Podiatrist License, the issue of amending in mandatory malpractice was not approved by the Board, since it would make the licensing requirement for a volunteer license more stringent than the licensing requirements for a full Active license. It is anticipated that the bill will not pass out of HGO without this requirement.

The Board's Sunset Bills HB 66/SB90 passed unanimously in both Houses with a reporting requirement amendment. The amendment made the reporting requirement consistent with the other Health Care Occupation Boards' requirements.

The remaining bills HB 36/SB 117-Unannounced Inspections are awaiting crossover hearing dates.

## **3. Review of Proposed SENATE BILL 371**

Health Occupations Boards-Discipline of Health Care Practitioners-Failure to Comply with Governor's Order. Bill passed in both Houses.

## **4. Review of Proposed HOUSE BILL 286**

Hospitals and Freestanding Ambulatory Care Facilities- Practitioner Performance Evaluation. To date the bill was not yet voted on.

## **5. Licensure Requirements for Post Residency Fellowship**

Mrs. Schwartz inquired as to whether the Board should upgrade Fellowship requirements to include the PM Lexis exam. In this circumstance, the Board decided that PM Lexis is not necessary, since the Limited License criteria does not require such for residents, thus there would be no need to differentiate with an additional requirement for the same type of license.

Mrs. Schwartz also inquired as to whether an Interpersonal Relationship Course should be a requirement to address the rising issues and complaints regarding podiatrists' bedside manner. The Board decided that such a course should not be a requirement.

## **6. Inquiry from Mark Spier, DPM regarding advertising:**

**Response to 2b: Can a Maryland licensed podiatrist assume the role of an employed technician and perform procedures outside his podiatric scope of practice under supervision of a licensed medical doctor without any objections from the Board?**

**Clarification by Dr. Mark Spier added on 2/28/2011-**

**“I envision the podiatrist using a laser to treat areas of the body above mid-calf, under the supervision of a licensed medical doctor. I hope this clarifies my question. Thank you.”**  
**Dr. Mark Spier**

Richard N. Bloom, AAG, currently reviewing additional information as well as the Board’s Regulations.

**C. NEW BUSINESS:**

**1. Review of testimony on HOUSE BILL 291**

The Use of Marijuana for Medical Purposes- House Bill was presented to the Board for informational purposes.

**2. Review of Proposed SENATE BILL 844**

Prescription Drugs-Dispensing Permits. Senate Bill was presented to the Board for informational purposes. The Board indicated that the Senate discussed restricting the ability for podiatrists to be able to dispense medications within a 15 mile radius of a pharmacy and /or within a 10 mile radius of a patient’s home. Additionally, the amendment introduced by the Board of Pharmacy would take away the issuance of the permits from the prescribing Boards, and would have the Board of Pharmacy issue them, as well as the inspections for compliance with the regulations addressing dispensing meds would also be performed by the Board of Pharmacy, taking away this present responsibility from the Division of Drug Control.

The Board informed Mrs. Schwartz that it opposed the Senate Bill. Mrs. Schwartz will provide a written position statement addressing the Boards’ opposition to the bill.

**3. Review for eligibility for FULL License**

- a. Ryan Ahalt, D.P.M.**
- b. Ali Deyhim, D.P.M.**
- c. Nga Ho, D.P.M.**
- d. Khristine Sparta, D.P.M.**
- e. Christopher Walters, D.P.M.**

The Board reviewed and approved the Full licenses for the above applicants. Upon receipt of the final documents, licenses will be issued and forwarded to D.P.Ms.

**With no further business, the meeting was adjourned at 1:50 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 1:50 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

