

# **BOARD OF PODIATRIC MEDICAL EXAMINERS**

## **OPEN SESSION MEETING**

### **MINUTES**

**March 12, 2015**

**Held at the Maryland Health Care Commission, Room 101**

The Open Session Meeting chaired by President Craig Friedman, DPM, opened at 1:05 PM.

Board members attending the meeting were Drs. Zachary Chatter, Jay LeBow, Todd Harrison and Philip Cohen. Consumer members present were Jay Boyar and Barbara Crosby.

Staff attending: Eva Schwartz, Executive Director, Anthony DeFranco, Board Counsel, Sheri Henderson, Administrative Officer, and Elizabeth Amspacher, Licensing Coordinator.

DHMH Guests attending: Paula Hollinger and Sharon Bloom.

MPMA Representative attending: Chanelle Carter, DPM.

Public at large attending: Harold Glazer, DPM.

#### **A. MINUTES:**

##### **1. Approval of minutes from February 12, 2015, Meeting**

Dr. Friedman, Board President, presented an error in verbiage where a word was typed "preformed" when it should be "performed". The Board approved the minutes with the change.

#### **B. OLD BUSINESS:**

##### **1. Notice of Final Action printed: COMAR 10.40.07 Civil Penalties**

The Board was given a Notice of Final Action for COMAR 10.40.07 Civil Penalties which was printed in the February 20, 2015 Maryland Register with an effective date of March 2, 2015.

##### **2. Proposed Regulations for a Wavier Provision for the CPR Requirement**

The Board was given a copy of the proposed regulations for a waiver provision for the CPR requirement. The Board voted and approved these regulations, which will be submitted to the Department of Health and Mental Hygiene (DHMH). The proposed regulations will not become effective this upcoming renewal cycle; however the Board will consider requests for CME extensions for documented medical reasons.

##### **3. Mandatory CME requirement for scheduled drugs prescription in pain management- Discussion**

Board President, Craig Friedman, D.P.M., expressed concern about why the Board was being asked by DHMH to mandate CME's to its licensees for pain management , when podiatrists are not being included in HB 716/SB 347 as regulators like physicians. The Board tabled their decision until legislation on those bills were completed.

#### **4. Cosmetology Board- Licensed Nail Technician services in a Podiatrist's Office**

The Board requested the status of the response from the Cosmetology Board regarding if including a podiatrist's office in the list of entities is a permissible workplace for licensed nail technicians. The Cosmetology Board responded that they will be discussing the topic at their meeting on April 6, 2015. The topic was tabled until the Board receives their response.

#### **5. Discussion on amendments on HB 716/SB 347- Health Occupations – Prescriber–Pharmacist Agreements and Therapy Management Contracts**

The Board reviewed the amendments made to HB 716/SB 347. Podiatrists were deleted from the original Bill and after communications with the Bill sponsor they were reinstated as an authorized prescriber. Additionally, the Bills included amendments introduced by the Board of Pharmacy which would have the Board of Physicians and the Board of Pharmacy develop the regulations in consultation with the other authorized prescribers. The Board requested through a submitted amendment and testimony by Dr. LeBow and Eva Schwartz at the hearing on HB 716 to be reincluded as an authorized prescriber and to be jointly involved in the drafting of regulations and not just as consultants. The same position was supported through testimony by Mr. Bloch, Esq, MPMA.

#### **6. HB 580/SB 198 - Health Care Disparities, Cultural and Linguistic Competency, and Health Literacy - Continuing Education Requirements (Mandatory) – Update**

The Board was presented with the amendments to HB 580/SB 198 - Health Care Disparities, Cultural and Linguistic Competency, and Health Literacy - Continuing Education Requirements (Mandatory). These CME's will no longer be mandatory for all licensees to take, but the Board will post a list of courses on their website for all licensee's who are interested.

#### **7. Drafting regulations for CME's for pro bono podiatric services**

The Board will draft regulations to award Continuing Medical Education credits for podiatrists who perform pro bono podiatric services in a five (5) hours to one (1) Credit awarded ratio with a maximum of five (5) credits allowed per renewal cycle. The Board will approve the pro bono podiatric service work hours submitted on a case by case basis. This change will be incorporated into the amended regulations AFTER this current renewal cycle.

#### **8. Drafting regulations for methods of accrual for the mandated 50 CME's for licensure renewal**

The Board discussed a change in the current CME requirements per each licensing renewal cycle. Currently, Board policy states that podiatrists are expected to complete 50 Continuing Medical Education (CME) credits every two (2) years for the renewal of their Maryland state license. Of these required CME's, 35 credits must be earned in Category A directly related to scope of podiatric practice, and 15 credits can be earned in Category B, overall medically related or applicable. Category B credits are counted at half of earned credit. All CME credits could be obtained online except for the specific requirements for the approved CPR Certification which must include the practicum (skills set portion). CPR Certification must be continuous, valid and nonlapsing throughout the Active licensure status of a Maryland podiatrist.

After discussion, the Board decided to develop a new CME policy to be supported by regulations. This policy would require podiatrists to continue to complete 50 CME credits every two (2) years for their Maryland license renewal, but will require 25 of those credits to be in person and medical podiatry related, and up to 25 credits can be online or other sources. Any course work completed either in attendance or online, must be pre-approved by the Board. Online courses must be worth at least one (1) CME credit hour. Subsequently, classification of category A or B credits will be discontinued. The CPR requirement will stay the same and be worth three (3) CME credits in the in person/medical category. Maryland Podiatric Medical Association (MPMA) meetings will be worth one (1) CME in the in person/medical podiatry category however, Maryland Board meetings will be worth one (1) CME in the online/other category only.

The Board tabled the changes until the next meeting on April 9, 2015.

### **9. COMAR 10.40.03 Collection of Fees**

The Board was given a Notice of Final action to Regulation .02 under COMAR 10.40.03 Collection of Fees. This action, which was proposed for adoption in 42:3 Md. R. 382 (February 6, 2015), has been adopted as proposed. The \$1050.00 fee for dispensing drug permits is now in effect.

### **C. NEW BUSINESS:**

#### **1. Inquiry- CPT Code**

The Board reviewed an inquiry related to whether or not a podiatrist can order a CPT Code 77073 (Bone Length Study). After review of the inquiry, the Board stated that a podiatrist can order the CPT Code 77073.

#### **2. Review for eligibility for FULL License:**

**a. Danielle Green-Watson, D.P.M.**

**b. Hetal Kathrotiya-Mago, D.P.M.**

**c. Matthew Spiva, D.P.M.**

**d. Anthony Cavallo, D.P.M.**

The above identified licensure candidates were approved unanimously for the issuance of a full Maryland License.

With no further business, the Meeting concluded at 2:35 PM.

Respectfully submitted,

Jay H. Boyar, Secretary/Treasurer



