

BOARD OF PODIATRIC MEDICAL EXAMINERS

OPEN SESSION MEETING

AGENDA

April 14, 2016

Room 110

The Open Session Meeting chaired by President Jay LeBow, DPM, opened at 1:11 PM.

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

Board member Dr. Zachary Chattler was absent.

Staff attending: Anthony DeFranco, AAG, Sheri Henderson, Administrative Officer, and Elizabeth Amspacher, Licensing Coordinator.

Eva Schwartz, Executive Director, was absent.

MPMA Representative attending: Richard Bloch, Executive Director, and Chanelle Carter, DPM.

Public at large attending: Mark Rothstein, DPM, Harold Glazier, DPM, Kristen Neville, Sharon Bloom, Danielle Valone.

A. MINUTES:

1. Approval of minutes from March 10, 2016 Meeting

The Board reviewed the March 10, 2016 minutes. It was noted that there was a typo under New Business- 1. Mechanism by which to inform entities of the new ankle law. The word inquiry needed to be changed to inquire. The Board approved the minutes with the change.

B. OLD BUSINESS:

1. COMAR 10.40.02.03 Licensing and Continuing Education Requirements- FYI

The Board was advised that COMAR 10.40.02.03 was posted in the Maryland Register on March 18, 2016 with the comment period ending April 18, 2016. To date, there are no comments on the proposed action which will change the CME online credit hour minimum from one (1) to .5. The change is expected to become effective by June 2016.

2. SB 537 PDMP-amended Bill

The Board was given the latest copy of Senate Bill 537-Prescription Drug Monitoring Program and made aware of the amendments that have been made to the Bill. The Board recognized these amendments to include: 1) Under section 21-2A-04, the regulations to be adopted by the Secretary shall specify that certain information be submitted by dispensers every 24 hours. 2) Under 21-2A-04.1, prescribers must register with the PDMP program by their next CDS permit renewal or by July 1, 2017, whichever is sooner. Section 21-2A-04.1 also requires that CDS prescribers undergo training as developed by the Department.

3) Under 21-2A06(d)(2)(i), language was removed that required notification of the appropriate licensing entity in the event that the program's review indicates a possible violation of law or breach of professional standards. 4) (3) in that same section it says that before a prescriber is notified of a possible violation, the program shall receive clinical guidance regarding indications of a possible violation of law or breach of professional standards from the PDMP Technical Advisory Committee. 5) There is no podiatrist on the Technical Advisory Committee, but the physicians, mental health professionals, and dentists have seats.

After discussion, the Board stated that it would be interested in the possibility of adding a podiatrist to the Technical Advisory Committee mentioned in the Bill next legislative session. The Board expressed concerns about the Bill.

3. Status of SB 1083-DHMH Secretary's oversight-Health Care Occupations Boards

The Board was made aware that Senate Bill 1083 did not pass as written.

4. Report on status of SB 109- Criminal Background check

Senate Bill 109- Criminal Background checks has passed and will be in effect on October 1, 2016. The Board will begin requiring background checks only on all new applicants that apply for a license in the State of Maryland. The Board will begin discussing on how to implement the new change soon.

C. NEW BUSINESS:

1. Inquiry- Acupuncture in the Scope of Practice of Podiatry

The Board discussed an inquiry regarding whether or not acupuncture, as a medical modality to use as part of pain management, was within the scope of podiatric practice if the procedure/practice is restricted to the geographic region of the mid-calf and below only. After discussion, the Board decided that the issue is complex, involving not only the scope of practice, but also clinical competency of the provider. As such, the Board declined to give an opinion at this time.

2. Inquiry- Podiatrist Employing a Certified Nail Tech

The Board reviewed an inquiry on whether or not a podiatrist can hire a certified nail technician to perform pedicures, and possibly manicures, including trimming of nails and application of polish under their current license. After review of this inquiry, the Board decided that a licensed nail technician can perform pedicures inside a podiatrist's office IF all the Board of Cosmetology regulations are followed and met by the technician as well as the office. A podiatrist/nail technician would need to contact the Board of Cosmetology in order to ascertain that they are complying with their regulations.

3. FYI- Topics Quarterly Newsletter Volume 31/No. 1 Spring 2016 from Gordon, Feinblatt, Rothman, Hoffberger & Hollander, LLC

The Board received a copy of Topics Quarterly Newsletter Volume 31/No. 1 Spring 2016 from Gordon, Feinblatt, Rothman, Hoffberger & Hollander, LLC for informational purposes.

4. Review for eligibility for FULL License:

a. David Vieweger, D.P.M.

b. Justin Pointer, 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 2:23 PM.

The Public meeting was re-opened at 4:52 pm to approve the full license issuance for Darlene Saheta, DPM. The meeting was closed at 4:53pm.

Respectfully submitted,

Jay H. Boyar, Secretary/Treasurer

