

BOARD OF PODIATRIC MEDICAL EXAMINERS

OPEN SESSION MEETING VIA GOOGLE MEETS

MINUTES

May 14, 2020

The Public Session Meeting commenced at 1:06 PM, opened by the Board President, Dr. Yvonne Umezurike.

***Roll call was initiated by the Board President. All Board members were in attendance.**

Board members attending: Dr. Umezurike, Dr. Cohen, Dr. Silverman, Dr. Gottlieb, Dr. Fox, Ms. Sharon Bunch and Ms. Frona Kroopnick

Board staff present: Eva Schwartz, Executive Director, and Beth Kohlhepp, Deputy Executive Director

Office of the Attorney General: Rhonda Edwards, AAG, Board Counsel

Representing MPMA: Richard Bloch, Esq., Executive Director, and Dr. Jay LeBow

Representing PDMP: Sara Roberson and Anna Gribble

Representing the Federation of Podiatric Medical Boards: Russell Stoner, Executive Director

Guests present: Drs. Brian Kashan, Alex Mattia, and Jacob Wynes

Dr. Umezurike read COMAR 10.01.14.02.B: "Except in instances when a public body expressly invites public testimony, questions, comments, or other forms of public participation, or when public participation is otherwise authorized by law, a member of the public attending an open session may not participate in the session".

A. MINUTES:

1. Approval of minutes from the March 12, 2020 meeting

The minutes from the March 12, 2020 meeting were approved unanimously, as submitted.

B. BOARD PRESIDENT'S REPORT:

Dr. Umezurike updated the Board on new developments that occurred recently in the podiatric community, identifying how different States are responding to the COVID19 pandemic regarding license issuance and/or renewal.

Dr. Umezurike also stated that on May 1, 2020, she participated in the annual Federation of Podiatric Medical Boards (FPMB) meeting, which was held remotely. It was announced at the

meeting that Dr. Jay Lebow was appointed as the first Director Emeritus of the FPMB, therefore he will remain in that position in perpetuity.

Additionally, the Board of Podiatry was informed that PICA is covering the liability insurance for expanded scope of practice for podiatrists, in cases where a state government has declared a state of emergency, and the podiatric providers are given approval from their respective State Board to expand their scope of practice during this COVID-19 pandemic. For example, New Mexico podiatrists can practice out of their scope during this COVID-19 pandemic.

Nationwide, CME credits accrual requirements for licensing renewals are varied, and are driven by Governors and individual State licensing Boards. For example, Ohio has suspended their CME requirements for the year, but most states appear to be waiting until next year before deciding the manner in which CME accrual requirements will be handled. It was also stated that across the nation, the states were not reducing or waiving the license renewal fees for podiatric physicians.

C. EXECUTIVE DIRECTOR'S REPORT:

Ms. Schwartz informed the Board that a newly issued Governor's Executive Order concerning COVID-19, was invoked to allow healthcare providers' licenses to be extended one month beyond their expiration date. Ms. Schwartz emphasized the importance of keeping emails and addresses current, for urgent and relevant information concerning licenses and practice issues. For any such changes, the licensee is required to inform the Board **immediately and in writing.**

Ms. Schwartz encouraged all the licensees to read the postings on the Board's webpage, which is continually updated with news relevant to healthcare providers.

D. OLD BUSINESS:

1. SB 166- Drugs and Devices - Electronic Prescriptions - Controlled Dangerous Substances

The Board received for review a copy of SB 166- Drugs and Devices - Electronic Prescriptions - Controlled Dangerous Substances. The Bill has passed both houses and will become effective January 22, 2021.

2. PDMP Proposed Regulations- Report by Anna Gribble

Anna Gribble, Health Policy Analyst, PDMP, provided the Board with further information regarding the new proposed PDMP regulations and their processes. The Board was informed that the proposed regulatory changes to COMAR 10.47.07 are being promulgated as required by HB025, Chapter 531, Public Health – Prescription Drug Monitoring Program – Revisions, 2019 and HB466, Chapter 364, Prescription Drug Monitoring Program – Program Evaluation, 2019. Ms. Gribble also advised that the only new entity able to receive prescription monitoring reports through the new regulations is the Office of the Attorney General, in order that they can further

assist in existing investigations. The Office of the Chief Medical Examiner and Medical Directors of healthcare facilities, can already access the prescription monitoring data to aid in patients' care. The regulations provide better support to PDMP for integrations into electronic health records. This access was recommended by the PDMP Advisory Board in previous Annual Reports.

The final impacted entity is the Office of Controlled Substances Administration (OCSA), who can also request prescription monitoring data for the purpose of furthering a bona fide existing investigation. These regulations reflect changes to the Program requirements made under HB025 (Chapter 531, 2019). Under the statutory change, the Program may refer healthcare practitioners to OCSA, in order that OCSA can determine if an investigation is warranted in case the Program determines that education is not sufficient to address possible breaches of professional standards or possible violations of law. The Program will seek input from the PDMP Advisory Board on appropriate metrics to utilize when determining if a referral is necessary. While limited new entities will have access to prescription monitoring data after promulgation of these regulations, the intended uses of the data disclosure are consistent with existing uses of the data and recommendations from the PDMP Advisory Board. The proposed regulatory changes to COMAR 10.47.07 do not create any additional requirements on practitioners in Maryland.

3. Discussion regarding Telehealth

Dr. Umezurike informed the Board that practicing telehealth is within the scope for podiatrists licensed in Maryland; however, the provider utilizing this method of care is responsible for complying with all Maryland laws and regulations relating to the practice of podiatry and telehealth. Reimbursement for telehealth is based on the insurance company's policy, therefore, it is up to the provider to follow up with the insurance company's policies. The Maryland Health Care Commission (MHCC) has launched a Virtual Telehealth Resource Center for providers featuring information on telehealth technical requirements, clinical best practices, and key policy changes in response to COVID-19. **The MHCC webpage offers guidance on telehealth implementation, such as the web-enabled Telehealth Readiness Assessment (TRA) Tool and other practice tips, including how to engage patients using telehealth.**

E. NEW BUSINESS:

1. Requests concerning changes for the categories and number of required CME credits for the 2022-2023 renewal of license period

Dr. Brian Kashan spoke as a guest on behalf of the MPMA and his podiatric colleagues in MD. He presented to the Board the concerns that the podiatric community has expressed regarding the CME accrual requirements for the 2022-2023 renewal cycle. Dr. Kashan stated that due to the current COVID-19 epidemic, podiatrists are finding it impossible to find conferences to attend in person. Attending in person seminars used to be a great way for networking, but it may not remain as a popular future platform for CME. Healthcare providers, in this case podiatrists, should not be forced into a situation that they are not comfortable with, by taking health risks. Additionally, the financial repercussions incurred by the podiatrists due to offices being closed

except for emergencies, would also impact the ability to attend in person conferences. In summary, Dr. Kashan requested on behalf of MPMA and the licensees in Maryland, that the Board waive the requirement of attaining 25 CME credits via in-person attendance.

Dr. Umezurike introduced as a motion, the proposal advanced by the Continuing Medical Education Committee, which met on May 12, 2020, regarding their consideration for amendments to the presently required CME credits accrual categories, concerning the 2022-2023 licensure renewal cycle. The motion to approve was presented as follows:

“All CME’s must be attained online or in person, including the CPR for non-lapsing certification; 25 of the required 50 CME’s must be specific to podiatric medicine and approved by the Board. The CPR certification (3 CME credits) may be included as part of the podiatric medicine CME’s. The accrual of credits window is from December 1, 2019 through December 1, 2021 toward the 2022-2023 licensure cycle”.

The motion was approved first by Dr. Gottlieb and seconded by Ms. Bunch. The Board voted unanimously to pass the proposed temporary changes for CME accrual requirements.

The attainment of CME’s for the following licensing period in the accrual window between Dec 1-2021 through Dec 1-2023, will revert to original CME credits requirements as stated in COMAR and the Podiatry Act: 25 credit hours will be required as in person attendance specific to the practice of podiatric medicine, and 25 credit hours completed online or via other sources. CPR certification will also revert to requiring the skills set hands on portion”.

2. Virtual interactive podiatric medicine specific CME's; can they be considered as the in-person CME category, instead of the one-way non-interactive podiatry specific webinars?

The Board reviewed a couple of submitted online seminars for CME approval. The Board approved the podiatry specific courses in lieu of the in- person CME course work requirements for the upcoming license renewal cycle.

3. NPDB Insights

The Board was given a copy of the National Practitioner Data Bank Insights newsletter for informational purposes.

4. Review eligibility for FULL License:

a. Nelson Maniscalco, DPM

b. Alex Mattia, DPM

c. Travis Stark, DPM

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

F. OTHER:

1. The Board extended their condolences to the families of Dr. Harold Glazer and Dr. Rona Hyman, who have passed away recently.

With no further business, the Public Session of the Board meeting concluded at 1:56 PM.

Respectfully submitted by Eva Schwartz, Executive Director, Signature and date _____

and Elizabeth Kohlhepp, Deputy Executive Director, Signature and date _____

Signature by Sharon Bunch, Board Secretary/Treasurer: _____