

BOARD OF PODIATRIC MEDICAL EXAMINERS
OPEN SESSION MEETING MINUTES
June 12, 2014
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, Zachary Chatter, Todd Harrison and Philip Cohen. Consumer members present were Jay Boyar and Barbara Crosby.

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

DHMH Guests attending: Paula Hollinger, Kristen Neville and Marian Ruth.

MPMA Representative attending: Chanelle Carter, DPM

Public at large attending: Harold Glazer, DPM

A. MINUTES:

1. **Approval of minutes from May 8, 2014 Meeting.**
The Minutes were approved unanimously as submitted.

B. OLD BUSINESS:

1. **Medical Records inquiry from Dr David Freedman regarding transmittal of Electronic Medical Records (EMR) in color**

Upon review of an inquiry regarding whether transmittal of EMR had to be in color or could be black and white, the Board determined that it does not require the transmission to be in color. If a podiatrist may have any further questions on the topic, they should contact a health care attorney.

2. **Inquiry about podiatric supervision during MRI contrast injection for lower leg imaging/MRI machine ownership**

At the previous Board meeting it was determined that a podiatrist may supervise and administer MRI contrast injections, as long as it is within the scope of podiatric practice for the lower leg imaging, from mid- calf and below.

Additionally, the issue of who can have ownership of a MRI machine was discussed. Richard Bloom, Board Counsel, informed the Board that ownership of MRI machines is not limited to radiologists; however, a podiatrist can not refer patients to use a machine they own according to the Maryland's "Self-Referral Law".

3. **Groupon**

The Board was presented with a letter discussing the controversy of Groupon and other social advertising media. The Board requested information whether other Healthcare Occupation Boards would be interested in meeting to discuss

the creation of a unified policy regarding social media advertising vis a vis the fee splitting concept. The letter was approved and will be sent out to all medical boards in the state.

4. Dispensing Medications Permit Fees-Vote

The Board reviewed the new proposed regulations addressing the medication dispensing permit fees. The regulations were voted on and approved as submitted.

5. Initial and Renewal application for Permit to Dispense Prescription Drugs

Eva Schwartz, Executive Director, presented the Board with a new application form for initial and renewal permits to dispense prescription drugs. The application listed the CME's required to obtain and retain a permit as well as a place to list all practices from which a podiatrist intends to dispense medications. Attached to the application, the new dispensing laws will be disseminated including postings on the Boards website. A podiatrist no longer needs a permit to dispense at each location. The Board approved the new initial and renewal application for a permit to dispense prescription drugs.

6. Assessing Civil Fines Criteria Regulations-Vote

The Board reviewed the changes that were made in the proposed regulations about the criteria for assessing civil fines. The new regulations were voted on and approved as submitted.

C. NEW BUSINESS:

1. Scope of practice Inquiry, UMMS

The Board reviewed an inquiry regarding if a podiatrist can perform an open reduction internal fixation of the ankle on a chronic fracture.

The Board declared that podiatrists have always been able to perform an open reduction internal fixation of the ankle in a chronic fracture, and **after** October 1, 2014, podiatrists will be able to perform surgery on any ankle fracture including acute.

2. Inquiry: Can a podiatrist refuse the release of medical records to a patient who has not paid for health care rendered?

The Board stated that a podiatrist can not refuse to release medical records for the nonpayment of medical care fees, as stated in the Annotated Code of Maryland, Health General Article, Title 4 subtitle 3, Confidentiality of Medical Records, Section 4-309. A podiatrist may not release the medical records if according to their office policy for requiring duplication of records fees patient refuses to pay for such. Medchi lists on their website the adjusted rates for medical record copying fees and updates the rates July 1 of each year to adjust for inflation. All this information is available on the Board's website.

3. Inquiry- Asma Khan, D.P.M.

The Board reviewed an inquiry about different treatment modalities and their geographic location.

The Board stated that as a licensed podiatrist in Maryland is bound by the present scope of practice which allows for any treatment for any indication that a podiatrist deems appropriate, as long as that treatment is up to the mid calf only. The Board does not have the authority to bypass the law in permitting any type of procedure to be performed by podiatrists above the mid calf, even if supervised by a medical doctor. Such procedures would be outside of a podiatrist's scope of practice. Podiatrists in Maryland are limited to treatment to the geographic location of up to the mid calf.

4. Draft DHMH Policy 01.03.07 HIPAA Breach Response

The Board was given a copy of the Draft DHMH Policy 01.03.07 HIPAA Breach Response for informational purposes.

5. Inquiry about accepting the Maryland Board of Podiatry MEDICAL Exam in lieu of the PMLexis.

After discussion, the Board decided to table the topic until further review by the Board regulations committee.

6. Review for eligibility for FULL License:

- i. Vikki Stone, D.P.M.**
- ii. Hummira Abawi, D.P.M.**
- iii. Erin Robles, D.P.M.**
- iv. David VonSteuben, D.P.M.**
- v. Jared McPhie, D.P.M.**
- vi. Trina Monis, D.P.M.**
- vii. Jennifer Gerres, D.P.M.**

All the above identified DPM's were approved unanimously for the issuance of a full Maryland License.

With no further business, the Meeting concluded at 2:10 PM.

CLOSED SESSION: Pursuant to Maryland State Government Annotated "10-501 et seq," the Board unanimously approved a motion to close its meeting at 2:10 PM, in Room 110 for the purpose of complying with the Maryland Medical Practice Act that prevents public disclosures about particular proceedings or matters.