

BOARD OF PODIATRIC MEDICAL EXAMINERS
OPEN SESSION MEETING MINUTES
July 9, 2009

The Open Session meeting of the Maryland Board of Podiatric Medical Examiners was held on Thursday, July 9, 2009, in Room 110, 4201 Patterson Avenue. The meeting was called to order at 1:19 p.m. by President Dr. David Freedman. Board members present were Drs. Ira Gottlieb, Jay LeBow, Tanya Sellers-Hannibal and Mrs. Ernestine Jones Jolivet. Also present were Eva Schwartz, Executive Director, Richard Bloom, AAG, Board Counsel and Sally Reier, Administrative Officer. Guests present were Lynda Lardner-McGinnis, D.P.M., Maryland Podiatric Medical Association (MPMA) representative, Jodie Chilson, Department of Legislative Services, Paula Hollinger, Associate Director of Health Work Force, and Sharon Bloom, Executive Assistant.

A. MINUTES:

The minutes from the June 11, 2009 meeting were reviewed and approved with correction. The word affirmed was changed to revised for the New Business 3. Scope of Practice inquiry.

B. OLD BUSINESS:

1. Proposed Regulations requiring a licensed podiatrist to examine, diagnose, and determine the medical necessity to prescribe for a foot appliance

- Date of publication in Maryland Register: 7/17/2009

The Board noted that the aforementioned proposed regulations will be published in the Maryland Register on July 17, 2009 and will be followed by a 30-day comment period. The Board determined that this was provided for informational purposes and required no Board action at this time.

2. Spring 2009 Newsletter – Request for topics/articles

Board members were invited to contribute articles or information for inclusion in a spring/summer edition of the Board's newsletter, *Toe The Line*. The Board will provide information regarding Medicare billing, medical records retention and the Maryland Self-Referral Law for the newsletter.

3. Department of Legislative Services

- Preliminary Sunset Review

The Board welcomed Ms. Jodie Chilson, who is completing the Board's Preliminary Sunset Review on behalf of the Department of Legislative Services. Richard Bloom,

Board Counsel provided a confidentiality letter to Ms. Chilson. Ms. Chilson interviewed David J. Freedman, Board President and Eva Schwartz, Executive Director last week and will be observing today's Board meeting.

C. NEW BUSINESS:

1. Data Bank News NPDB-HIPDB

The Board reviewed excerpts from the July 2009 issue of Data Bank News noting that medical malpractice payers are required to report a payment within 30 days from the date the payment was made and that hospitals are required to report when a physician resigns, fails to apply for reappointment, or surrenders his/her clinical privileges while under investigation. For NPDB reporting purposes, an investigation is considered ongoing until the hospital's decision-making authority either takes a final action or formally closed the investigation. The Board determined that this was provided for informational purposes and required no Board action at this time. Staff was requested to provide a copy of the July 2009 Data Bank News to Linda Lardner-McGinnis, DPM via email.

2. Prescription Medications in the Office:

- Clarification of: Starter Doses, Administering, and Dispensing

The Board discussed that podiatrists who dispense prescription medication in their offices must hold a drug dispensing permit issued by the Board and comply with the Board of Pharmacy's regulations. These regulations do not pertain to free professional samples given to patients.

Ms. Schwartz contacted the Board of Pharmacy and provided the following information to clarify when drug dispensing permits are required:

Administering – A drug dispensing permit is not required when a patient is given a single dose of a prescription medication which is administered in the office.

Starter Doses – A drug dispensing permit is not required when a patient is given a starter dose of a medication.

Dispensing – A drug dispensing permit is required when a full prescription is given to a patient.

The Board determined that this was provided for informational purposes and required no Board action at this time

3. Budget

- FY 2009 Budget Expenditures
- FY 2010 Budget Appropriations

Ms. Schwartz provided the FY 2010 appropriation and FY 2004-2010 Sunset Information to the Board for review.

4. Podiatric Fellowship

- Correspondence from Dr. David Gottlieb regarding an Advanced Foot and Ankle Fellowship

The Board reviewed the correspondence from David Gottlieb, D.P.M., Director of Podiatric Medical Education for the VA Maryland Health Care System informing the Board that the VA would like to co-sponsor a Podiatric Fellowship with the University of Maryland Medical Center, Department of Orthopedics. Dr. Gottlieb requests that the Board issue a Limited License for this Fellowship.

The Board reviewed that a Limited License is valid only for supervised training at an approved location as part of a residency program and does not authorize the practice of podiatry outside of the residency program. The Board noted that podiatric residency programs must be approved by the APMA, Council on Podiatric Medical Education.

The Board identified that our statutes do not permit the issuance of Limited Licenses for a Fellowship that is not part of an approved residency program. Ms. Schwartz will inform Dr. Gottlieb of the outcome of his inquiry.



With no further business, the meeting was adjourned at 1:44 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 1:44 p.m., for the purpose of complying with the Maryland Medical Practice Act that prevents public disclosures about particular proceedings or matters.

Respectfully submitted,

Ernestine Jones Jolivet, Secretary/Treasurer