

BOARD OF PODIATRIC MEDICAL EXAMINERS

OPEN SESSION MEETING VIA GOOGLE MEETS

MINUTES

July 9, 2020

Open Meeting ID: <https://meet.google.com/wmu-finf-kja>

Join by phone: +1 475-221-6205 (PIN: 267040765)

The Public Meeting commenced at 1:04 PM, opened by the Board President, Dr. Yvonne Umezurike.

Roll call was initiated by the Board President. By acclamation, all Board members were in attendance.

Board members present: Drs. Umezurike, Cohen, Silverman, Gottlieb and Fox

Consumer Members present: Ms. Sharon Bunch and Ms. Frona Kroopnick

Board staff present: Eva Schwartz, Executive Director, and Elizabeth 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, MPMA member

Representing MDH: Kim Link, MDH Liaison to the Boards and Commissions, and Lillian Reese, Legislation and Regulations Coordinator for select Boards and Commissions

Dr. Umezurike cited 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 June 11, 2020 meeting

The minutes from the June 11, 2020 meeting were approved unanimously, as submitted.

B. BOARD PRESIDENT'S REPORT -Dr. Umezurike

Dr. Umezurike discussed how the current Topics Quarterly Newsletter includes very valuable information concerning COVID19 and encourages everyone to read it. Dr. Umezurike also recommended reading the Federation of Podiatric Medical Boards Q2 Newsletter. The FPMB Newsletter states that Maryland made the list of States for timely downloads for Parts I/II/III Boards and disciplinary reports.

C. EXECUTIVE DIRECTOR'S REPORT-Eva Schwartz

1. Goals and objectives for FY 2021

Ms. Schwartz presented to the Board an idea for growth by potentially including pedorthics and orthotists under the Board's license. The topic was tabled until a later date.

2. Truth in Advertising

Ms. Schwartz conducted research on the appropriate and approved posting to advertise Board credentials for podiatrists and shared with the Board the following:

ACFAS:

Approved by the ACFAS Board of Directors, March 2018

Members of ACFAS should represent themselves and their abilities in a truthful and trustful manner, both in private and public. Foot and ankle surgeons, as valued members of the healthcare team, should put their patients' needs first and help them to make informed decisions regarding their healthcare needs.

ACFAS members subscribe to the highest ethical, professional and legal standards. This is paramount when members advertise or discuss publicly their healthcare services. ACFAS members will not misrepresent their abilities or provide false information to healthcare consumers. Patients place their trust in foot and ankle surgeons as truthful stewards who render professional and competent treatment.

Today's regulations define three main areas that constitute false advertising: failure to disclose, flawed and insignificant research, and product disparagement. All healthcare providers are subject to the U.S. Federal Trade Commission regulations on advertising. ACFAS asks its members to comply with these federal regulations as well as all applicable State and local laws and avoid making false or misleading statements about a provider's ability to render treatment. Members should be aware that false statements/advertisement can be demonstrated through a variety of mediums, including information appearing on behalf of colleagues, books, periodicals, social media forums, newspapers, television, radio, magazines, videos, public presentations, etc.

Foot and ankle surgeons who are members of ACFAS are asked to be vigilant to the adherence of standards that achieve truth in advertising and treat all members of the healthcare team with truth and respect.

*An additional recommended resource: "ABFAS Advertising Policies"

ABFAS:

The abfas.org has specific language "ABFAS Board Qualified candidates are not to advertise their affiliation with ABFAS in any way. Board Qualified is not a membership category and may not be used in any way in advertising of any type." reference: <https://www.abfas.org/become-board-certified/advertising-policies> and here: https://www.abfas.org/docs/default-source/abfas-documents/advertising-guidelines_updated_2016.pdf?sfvrsn=9596da44_2

APMA:

<https://www.apma.org/applications/secure/index.aspx?FileID=77914&>

BE1.11 The podiatrist shall ensure that communications to the public are accurate and do not convey false, untrue, deceptive, or misleading information. The podiatrist shall provide truthful and accurate representations of his/her credentials, training, experience, or ability. The podiatrist shall not communicate claims of superiority that cannot be substantiated.

BE1.12 The podiatrist, in connection with their name, must use the title(s), degree(s), or designation(s) authorized by state law. The title "doctor" or any abbreviation cannot be used without the qualification "podiatrist," "podiatric physician," or "Doctor of Podiatric Medicine," or other appropriate designation. The podiatrist who is certified by a specialty board may use the appropriate term in connection with their approved and board certified specialty.

D. CME COMMITTEE CHAIR REPORT -Dr. Gottlieb

Dr. Gottlieb had no new, outstanding CME reports or questions for the Board.

E. OLD BUSINESS:

1. Ratification of the electronic vote on the revised legislative proposal for the 2021 Board

of Podiatry Sunset Bill

The Board reviewed a revised draft of the Board's 2021 Sunset Bill. The Bill is a request to evaluate if the authority of the Board should be extended for an additional 10 years, through 2032. At this time, the Bill does not have a sponsor. It will be submitted to the Department to be considered as a Departmental Bill. If not successful in this endeavor, Ms. Reese has suggested that the Chair of HGO may be approached to sponsor the Bill.

2. Office of Program Evaluation and Government Accountability and Maryland Program

Evaluation Act - Bill SB640, cross filed HB 1113- signed into law Chapter 511 on May 13, 2019

<http://mgaleg.maryland.gov/mgaweb/Legislation/Details/sb0640/?ys=2019rs>

The Board reviewed the above mentioned Bills for informational purposes. The Office of Program Evaluation and Government Accountability manages and evaluates if an entity that applies to join an existing Board is compatible with that Board and the current scope of practice.

F. NEW BUSINESS:

1. FYI- Topics Quarterly Newsletter Volume 35/No. 2 Summer 2020 from Gordon, Feinblatt, Rothman, Hoffberger & Hollander, LLC.

The Board received a copy of Topics Quarterly Newsletter Volume 35/No.2 Summer 2020 from Gordon, Feinblatt, Rothman, Hoffberger & Hollander, LLC for informational purposes.

2. Federation of Podiatric Medical Boards 2020 Q2 Newsletter

The Board reviewed the Federation of Podiatric Medical Boards 2020 Q2 Newsletter for informational purposes.

3. For Board of Podiatric Medical Examiners Review: Draft regulations from the Board of Physicians

The Maryland Board of Physicians submitted draft regulations regarding the dispensing of prescription drugs by physician assistants to the Board for approval. The draft also includes a new permit for the dispensing of certain topical medications (pursuant to HB 1288, Chapter 535, which was effective October 1, 2019). The Board voted to support the regulations.

The Board discussed following suit and adapting proposed regulations for a topical to be exempt from our dispensing permits. The topic was tabled until the budget for such a venture is released.

4. Latest Amended Order - COVID-19 Testing

The Board reviewed the latest Amended Order from Secretary Neall. In summary, the Order expands COVID-19 testing to any individual who believes it necessary. Healthcare providers, including podiatrists, are required to

order the COVID-19 test on demand. Also, anyone who travels out of Maryland should be tested upon return. The Order also makes it clear that anyone violating this order is subject to administrative and criminal sanctions.

5. Review eligibility for issuance of Full Active License:

a. Laura Michetti, DPM

The above identified licensure candidate was approved unanimously for the issuance of a Full Active Maryland License.

G. OTHER

1. Ms. Schwartz respectfully requested that all information pertinent to the Board meeting please be received by staff at a reasonable time and not directly before the meeting. Ms. Schwartz discussed that regulations mandate that podiatrists inform the Board of address, phone number, and email changes; therefore if a podiatrist intends to leave a practice to please inform the Board of such. The Board receives inquiries from patients looking for their provider and requests that we have the information to respond to these inquiries. Mr. Bloch stated that he would also disseminate the information at the next MPMA meeting.
2. Dr. Jay LeBow inquired about the Board listing Public Orders on the Public Agenda. The Board considered the request and decided that public discipline action of any kind is to be rehabilitative not punitive, therefore they will continue to post Public Orders on the website and not on the Public Agenda.
3. The Board was made aware that the Federation of Podiatric Medical Boards is planning on sending out a survey to State Boards to gather information including how many podiatrists are practicing in the State and for how long, how many are retired, and when their newsletters are published etc. The Federation is striving to obtain all the data so that Boards will have a source to gain information about surrounding States if needed. Mr. Bloch suggested also obtaining demographic information. Dr. LeBow will take that suggestion to the Federation.
4. Dr. LeBow informed the Board that there is discussion regarding the Part II Skill Set portion of the National Board Exams due to the COVID19 Epidemic. Both students and Deans are uncomfortable traveling to partake in the Exam, but the test is required for licensure in numerous States. There is discussion within the National Board on how to handle this situation.

H. ADJOURNMENT

With no further business, the Public Session of the Board meeting concluded at 2:07 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: _____