

BOARD OF PODIATRIC MEDICAL EXAMINERS

OPEN SESSION MEETING

MINUTES

September 11, 2014

Room 110

The Open Session Meeting chaired by President Jay LeBow, DPM, opened at 1:04 PM.

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

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

DHMH Guests attending: Kristen Neville and Marian Ruth.

MPMA Representative attending: Chanelle Carter, DPM

Public at large attending: Harold Glazer, DPM

ELECTIONS

Eva Schwartz, Executive Director, lead the elections for all Board Officer Positions. After a vote, the Board welcomed the newly elected officers; Craig Friedman, D.P.M. President, Zachary Chattler, D.P.M. Vice President and Jay Boyar, EdS Secretary/Treasurer. Dr. LeBow continued to chair the meeting addressing the minutes and completing the Old Business agenda. As the newly elected President, Craig Friedman, D.P.M. conducted the rest of the meeting.

A. MINUTES:

1. Approval of minutes from July 10, 2014, Meeting.

The Minutes were approved unanimously as submitted.

B. OLD BUSINESS:

1. COMAR 10.13.01- Board of Pharmacy Letter

The Board was given a copy of a letter from the Board of Pharmacy regarding COMAR 10.13.01 Dispensing of Prescription Drugs by a Licensee for informational purposes.

2. Civil Monetary Penalty- Proposed Regulations Vote

The Board reviewed and voted to approve the proposed regulations for the Civil Monetary Penalty.

3. Follow up discussion on Prescribing Controlled Substance Drugs CME requirements

The Board was previously made aware that it is now a requirement of podiatrists holding a Controlled Dangerous Substance (CDS) prescribing permit to complete two (2) Continuing Medical Education Credits (CME's) on appropriate pain management medication and the prescribing of scheduled drugs criteria. One (1) of these CME's will be offered by DHMH online when a provider renews their prescribing CDS permit. The other one (1) CME is being considered to be mandated by the Board, and will be on prescribing scheduled drugs for pain management.

Available coursework to obtain relevant CME's is available on the internet however, it must be pre-approved by the Board before it could be applied toward a podiatric license renewal. The Board approved CME coursework will be considered a Category A credit. The Board will consider promulgating regulations.

4. Mandatory CME requirements for dispensing permit holders

The Board and guests were reminded that there are now mandatory CME requirements for any podiatrist who wants to obtain or renew a prescription medication dispensing permit. These CME requirements are on a graduated schedule and are listed on the Maryland State Board of Podiatric Medical Examiners website under dispensing prescription drugs from an office, which can be found at <http://dhmh.maryland.gov/mbpme/SitePages/forms.aspx>.

Newly elected President, Craig Friedman, D.P.M. continued the meeting under New Business.

C. NEW BUSINESS:

1. Advertisement Inquiry regarding Custom Foot Orthotics

The Board reviewed an inquiry for an advertisement regarding a promotional fee for custom foot orthotics. The advertisement was approved for publishing, although the practice was informed that if there are any questions about the billing and insurance laws, they must contact their healthcare attorney.

2. Scope of Practice Inquiry – Back MRIs

The Board reviewed an inquiry regarding if a podiatrist is allowed to order MRIs of the back to rule out radiculopathy.

The Board declared that it is within the scope of practice for podiatrists to order an MRI of the back to rule out radiculopathy and refer out to another physician if needed for treatment.

3. Discussion about CME accrual criteria

The CME accrual period has started already effective December 1, 2013, for the required 50 CME's for renewal for this upcoming 2016-2017 licensure period. The Board has decided to review their policy regarding online CME's as well as CME courses accruing less than one (1) full credit. The Board will review recommendations to the policy changes at the next meeting from the regulations committee.

4. Inquiry about Dispensing Meds

The Board reviewed an inquiry regarding if a podiatrist could write a prescription for a patient at location A, fill it at location B, and then carry it back to location A to give to the patient.

The Board, upon advice from the Maryland Board of Pharmacy, has determined that this process is acceptable as long as the podiatrist doing the dispensing has a current drug dispensing permit with the Board, and would still need to comply with all dispensing requirements (e.g., storage, etc.) at the other office location.

The inquiring podiatrists have been advised that the Division of Drug Control inspects any podiatric office from which prescription medications are being dispensed.

5. Review for eligibility for FULL License:

- a. Jamie Chaffo, D.P.M.**
- b. Jordan Tackill, D.P.M.**
- c. David Wood, D.P.M.**
- d. David Lin , D.P.M.**

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

D. OTHER

1) Board President, Craig Friedman, D.P.M. acknowledged the remembrance of September 11th and honored Richard Bloom, Board Counsel who will be retiring as of September 30, 2014.

With no further business, the Meeting concluded at 1:49 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.

Respectfully submitted,

Jay H. Boyar, Secretary/Treasurer

