

BOARD OF PODIATRIC MEDICAL EXAMINERS
OPEN SESSION MEETING MINUTES
November 12, 2009

The Open Session meeting of the Maryland Board of Podiatric Medical Examiners was held on Thursday, November 12, 2009, in Room 110, 4201 Patterson Avenue. The meeting was called to order at 1:25 p.m. by President Dr. Ira Gottlieb. Board members present were Drs. Steven Chatlin, David Freedman, Jay LeBow, Tanya Sellers-Hannibal and Ms. Barbara Crosby and Mr. Jay Boyar. 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, Paula Hollinger, Associate Director of Health Work Force, and Sharon Bloom, Executive Assistant.

A. MINUTES:

The minutes from the October 8, 2009 meeting were reviewed and approved with corrections. Dr. Jay LeBow was deleted from the list of Board members present and the date 2010 was changed to 2009 for New Business 5. Correspondence from Rick V. Bryson, D.P.M. re: CPT Code 11422.

B. OLD BUSINESS:

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

The Board reviewed that the aforementioned regulations became effective November 2, 2009.

2. Correspondence from Jay S. LeBow, D.P.M.

- Inquiry regarding what is permitted to be sold thru a podiatrist's online web store or in their office

The Board discussed this matter and determined that the no formal action was necessary. The sale of non prescription, non regulated goods and products is not under the purview of the Board of Podiatry. The Board did feel it was best practice to segregate the sale of items that were clearly meant for the lower extremity from general medical items.

3. Inquiry from Steven S. Blanken, D.P.M. regarding the advertising of the use of an off-labeled product

The Board reviewed this matter and moved further discussion of same to the Executive Session.

4. Correspondence from Brad A. Toll, D.P.M.

- Inquiry regarding total ankle joint replacements and surgical complications

The Board reviewed this matter and requested staff to send a letter to Dr. Toll informing him of the Board determination as follows:

1. Are total ankle joint replacements within the scope of practice?

The Board determined that total ankle joint are within the scope of practice of podiatry in Maryland.

2. Since repair of acute fracture of the ankle joint is not within scope of practice, what are implications if the bones about the ankle were to fracture during the course of a total joint replacement procedure?

- *Repair of acute ankle fractures are not within the scope of practice in Maryland.*
- *If a complication were to occur during the placement of the total joint implant, then the podiatrist could treat that complication to complete the surgical procedure.*

5. Regulations – CPR Requirement

- Committee for Regulations
- Additional regulation amendments

The Board reviewed, edited and approved the draft of proposed CPR regulations and requested staff to proceed with the submission of same.

6. Consideration for certification of podiatric medicine assistants

Dr. Lardner-McGinnis reported that the MPMA discussed this matter at their last meeting and that no consensus of opinion was formed.

7. Budget updates

Ms. Schwartz informed the Board that DHMH has removed funds totaling 3% from our existing budget and transferred same to the State General Fund.

8. MPMA Letter to Senate Finance Committee regarding Podiatric Residency Training in Maryland

The Board reviewed this correspondence and Dr. Lardner-McGinnis informed the Board that the MPMA is considering meeting with legislators to find a solution to possible funding issues associated with re-establishing podiatric residency programs in Maryland.

C. NEW BUSINESS:

1. HIPAA and secure/non-secure email correspondence re: patients

The Board reviewed the sample e-mail consent form advising patients that may wish to communicate with their podiatrist via electronic mail of the practice's policies and potential security risks regarding same. The Board identified that it is advisable for practitioners to have a signed consent from patients utilizing electronic correspondence.

2. Updates on renewal of license status

Staff informed the Board that approximately 150 license renewals have been completed.

3. Request for Board member legislative liaison

Ms. Schwartz requested Board members to be available to attend hearings in Annapolis during the upcoming legislative session.

4. License Renewal Application

- Consideration for Race/Ethnic Identification

The Board reviewed the recommended format for questions collecting race/ethnic identification for licensure applications. The Board approved the motion accepting this format for voluntary disclosure of race/ethnicity.

Added to the Agenda:

1. Maryland Medicaid notices to providers

The Board discussed that the provider Enrollment Section of Maryland Medicaid sends letters to licensees advising that their provider status will be changed to a suspended status effective with the expiration of their license should they not renew their license before the expiration date. The Board is concerned that these letters identify that Medicaid "Will review the Maryland Boards and Commission files two times for updated licensure before your license is suspended". The Board is concerned with the continued use of these notification letters as Medicaid does not have access to the Board's licensure database, as represented. Staff was requested to send a letter to Maryland Medicaid identifying the Board's concerns.

2. Administration of H1N1 Flu vaccines by podiatrists

The Board discussed that there was an Emergency Executive Order issued by President Obama concerning who may administer the H1N1 flu vaccine. Mr. Bloom will research this matter and provide advice to the Board concerning same.



With no further business, the meeting was adjourned at 3:00 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 3:00 p.m., for the purpose of complying with the Maryland Medical Practice Act that prevents public disclosures about particular proceedings or matters.

Respectfully submitted,

Barbara A. Crosby, Secretary/Treasurer