

**BOARD OF PODIATRIC MEDICAL EXAMINERS
OPEN SESSION MEETING MINUTES**

**November 18, 2010
Room 108/109**

The Public portion of the Board meeting commenced at 1:15 PM.

Board members present: Dr. Freedman, Sellers-Hannibal, LeBow, Chatlin, Friedman and Ms. Crosby and Mr. Boyar.

Staff present: Eva Schwartz, Executive Director and Richard Bloom, Board Counsel.

Guests present: Linda McGinnis DPM, representing the MPMA and Marc Spier DPM, guest licensee.

A. MINUTES:

The minutes of the October 14, 2010 meeting were approved as submitted.

B. OLD BUSINESS:

1. Proposed legislation for registering Podiatric Medical Assistants.

The Board was advised of the good news that the MPMA will support the PMA legislation. Dr. McGinnis was asked to ascertain if the support extends to using the association lobbyist as well. Dr. McGinnis will get back to the Board with the answer.

2. Finding sponsors for the Board's three (3) proposed Bills.

The Board was informed that Delegate Dan Morhaim is amenable to sponsor the PMA bill on the House side. Ms. Neville, the Board's Legislative coordinator, will try to find sponsors for the other bills, both for House and Senate submissions. Senators Rona Kramer and Karen Montgomery were mentioned as possibilities. The Board will be further apprised of new developments as staff succeeds in getting sponsors.

3. Updates on the Board's sanctioning guidelines process

The Board started the proceedings to develop a process in the executive session, because names of licensees were to be mentioned as examples of types of sanctions vis a vis the violations. Further developments will be discussed in future Public meetings.

C. NEW BUSINESS:

1. Scope of practice inquiry from Mike Gibson, DC

Dr. Gibson a chiropractor, inquired if it is within a scope of practice of a podiatrist to prescribe a low back support brace (DME) in the treatment of low or mid-back pain due to complications involving the foot-ankle

complex, as a result of recovery after foot/ankle surgery, the wearing of an orthopedic foot brace, a change in the patient's gait or the initial injury to the foot, which caused the back pain. A discussion ensued. The Board voted that prescribing a low back support is not within the scope of practice of a podiatrist practicing in Maryland.

2. Inquiry from Marc Spier, DPM regarding advertising.
Dr. Spier submitted to the Board three questions:

a. Is it false and misleading for a Maryland podiatrist to advertise "Total Foot and Ankle Care" in compliance with the current scope of practice which limits the ability to treat some acute ankle conditions?
Disposition: A discussion ensued, and the Board voted that such advertising is not misleading.

b. Can a Maryland licensed podiatrist assume the role of an employed technician and perform procedures outside his podiatric scope of practice under supervision of a licensed medical doctor without any objections from the Board?
(added during discussion) when finger nails treatment may be included as well?
Board counsel advised that he will research this matter and inform the Board of the outcome.

c. Can the Maryland Board of Podiatric Medical Examiners investigate a licensee in the absence of a written and signed complaint?
Board Counsel advised that he will research the matter and get back to the Board with the answer.

3. Request from law firm that the Board require nonspecific entities in MD, to stop advertising other laser treatments for fungal nails, exempting PinPointe Foot Laser.

The Board reviewed the material and commented that no specifics were mentioned in the letter; thus the Board could not proceed with any action.

4. FDA Response regarding the FDA clearing of PinPointe Foot Laser.

The Board was distributed the language from the FDA, which states that clearance as reflected in the indications for use statement, is for the temporary increase in clear nail in patients with onychomycosis. Additionally, the response from the FDA also stated that references to treating nail fungus are not within the scope of the clearance. Dr. Spier sought further clarification, and he was directed to the FDA,

**Ms. Deborah Wolf, JD, Regulatory Counsel, Office of Compliance,
Center for Devices and Radiological Health, U.S. Food and Drug
Administration.**

With no further business, the Public Meeting adjourned at 2:01PM.

CLOSED SESSION: Pursuant to Maryland State Government Annotated “10-508”, on a motion made by Dr. David Freedman, the Board unanimously voted to close its meeting on November 18, 2010 at 2:01 p.m., for the purpose of complying with the Maryland Medical Practice Act that prevents public disclosures about particular proceedings or matters.

Respectfully submitted,

**Jay Boyar, Ed.S.
Secretary/Treasurer**