BOARD OF PODIATRIC MEDICAL EXAMINERS

OPEN SESSION MEETING

MINUTES

October 11, 2018

Room 110

The Public Session Meeting commenced at 1:13 PM, opened by Board President, Dr. Phillip Cohen.

Board members attending were Drs. Umezurike, Friedman, and Chattler. Consumer members present were Frona Kroopnick and Sharon Bunch. Dr. Gottlieb was absent.

Board staff present: Eva Schwartz, Executive Director, Rhonda Edwards, AAG, Board Counsel, Sheri Henderson, Deputy Executive Director, and Elizabeth Kohlhepp, Licensing Coordinator.

Representing MDH: Kim Lang, PhD.

Representing MPMA: Richard Bloch, Esq., Executive Director.

Guests Present: Dr. Jay LeBow

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 September 13, 2018 meeting

The minutes from the September 13, 2018 meeting were approved unanimously, as submitted.

B. OLD BUSINESS:

NONE.

C. NEW BUSINESS:

1. FAQ's Regarding the CME Requirement Meeting

The Board was given a copy of the following listed frequently asked questions from the Office of Controlled Substances Administration regarding the new CME requirement when obtaining or renewing a controlled dangerous substances permit.

FAQ's
1) During what time period must the CME have been completed? (For example, if a practitioner completed a course 4 years ago, does this qualify?

Yes, this will count. The bill did not specify a time period. The intent of the bill was to ensure that practitioners that work with CDS, have had education on the prescribing/dispensing of controlled substances.

2) Is this a one-time requirement, or a recurring requirement that CDS authorized providers will need to complete upon each renewal?

This is a one-time requirement. Any new applicants will have to meet the requirements prior to receiving their CDS registration on or after October 1, 2018, any renewal applicant must attest to completing the required training for the first renewal that occurs on or after October 1, 2018. Once this attestation requirement is met, the registrant will not need to obtain 2 hours of training for future registrations.

3) Will the Office of Controlled Substances Administration provide a list of acceptable continuing education courses?

No, the Office of Controlled Substances Administration will not provide a list of acceptable courses. The registrants can use the same resources used to meet the professional license CE requirements. They just need to make sure that the subject matter of the course pertains to the prescribing or dispensing of controlled dangerous substances that are Board certified or ACCME accredited.

4) What if I obtained my CE in another state?

If the course was taken in another state and is accredited by the ACCME that is acceptable, otherwise, the course would have to be approved by the Maryland Board that issues your license.

5) Does this include all registrants?

No, this does not include establishments or researchers.

2. Board disclaimer language on electronic and any written correspondence

The Board was given a copy of an example of potential Board disclaimer language to be added on any electronic and written correspondence from the Board. The topic was moved to executive session to obtain legal advice.

3. COMAR 10.47.07 Prescription Drug Monitoring Program

The Board was given a copy of COMAR 10.47.07 Prescription Drug Monitoring Program for informational purposes. The Board discussed how the new regulation mandates all controlled dangerous substance dispensers to report all activity to the PDMP within 24 hours. If a practitioner did not dispensed any controlled dangerous substances that day then a “0” still needs to be reported.

4. New PDMP Regulatory change

The Board was given the following information regarding the new regulatory change for the prescription drug monitoring program.

Background:

In 2016, legislation was passed that required the Department to amend PDMP regulations governing the timeframe in which dispensers must report data (Chapter 147, 2016). The law directed that data was to be reported "daily" instead of "within 3 business days of dispensing". This change was intended to make PDMP data closer to real-time, and aligns with national trends in PDMP data reporting timeframes.

A package of regulation changes was presented to the PDMP Advisory Board, voted on, and ratified at the November 14, 2016 Board meeting. This package of regulations, including the required update to COMAR (10.47.07.03) was promulgated on September 28, 2018 with an effective date of October 8, 2018 (http://www.dsd.state.md.us/MDR/4520/Assembled.htm).

Summary of regulation change:

Previously, dispensers (pharmacies and practitioners authorized to dispense in the practice setting) were required to report information on all Schedule II – V controlled dangerous substances (CDS) prescriptions dispensed to a patient or patient address in Maryland to the PDMP within 3 business days of the dispense. The new regulation requires non-exempt dispensers of CDS medications to report daily to the Maryland PDMP, including submission of "zero reports" if no dispensing occurs. Dispensers include: practitioners authorized to dispense CDS in the practice setting and any outpatient hospital, community, retail, mail-order, or other pharmacy not explicitly exempted from the requirement to report to the Maryland PDMP. Additional details and FAQs about implementation of this change will be part of our outreach plan.

Next Steps:

The Office of PDMP and Overdose Prevention Applied Data Programs is actively putting in place an outreach plan to ensure we notify all individuals and entities affected by this regulations change, described above. In addition, to help facilitate adoption of this change in requirements, PDMP is engaging with MDH leadership to establish an adequate implementation period before enforcement will begin occurring. We will communicate any and all information as soon as decisions are made.

Policy questions may always be sent to the Maryland PDMP: mdh.pdmp@maryland.gov or reference our website: www.marylandPDMP.org

5. Review for eligibility for FULL License:

a. John Lydon, DPM- reinstatement from inactive status

b. Tiffany Hoh, DPM

The above identified licensure candidates were approved unanimously for the issuance of a full Maryland License.

D. OTHER:

1. Eva Schwartz, Executive Director, informed the Board that all licensees have been informed that renewals have been opened and will go until December 1, 2018. As COMAR 10.40.03.02 states there will be a $250.00 late fee on renewals received after December 1, 2018.

2. Richard Bloch, MPMA, informed the Board that the MPMA is planning on re-introducing a Bill this upcoming legislative session regarding "podiatric physicians" and is requesting the Board's support. The MPMA is also considering introducing a Bill to eliminate the current requirement of hospital privileges to work in an ASC. However, the Board is concerned about current Board Statute regarding the credentialing process and ASCs so further research will ensue on the topic.

With no further business, the Board meeting concluded at 1:44 PM.

Respectfully submitted,

Sharon Bunch, Secretary/Treasurer