

BOARD OF PODIATRIC MEDICAL EXAMINERS
OPEN SESSION MEETING
MINUTES
December 12, 2013
Room 110

The Open Session meeting of the Maryland Board of Podiatric Medical Examiners (Board) was held on Thursday, December 12, 2013, in Room 110, 4201 Patterson Avenue. The meeting was called to order at 1:15 P.M., by Board Vice President Dr. Craig Friedman.

Board members present included: Board President Jay LeBow, Drs. Zachary Chatter, Todd Harrison, and Philip Cohen. Public member of the Board present was Jay Boyar, EdS. Public member Barbara Crosby, RN, BSN, was absent.

Staff present: Richard Bloom, AAG, Board Counsel, Tony DeFranco, AAG, Eva Schwartz, Executive Director, Sheri Henderson, Administrative Officer and Elizabeth Amspacher, Licensing Coordinator.

Guests present: Kristen Neville, Boards and Commissions, Chanelle Carter, D.P.M., MPMA representative and Harold Glazer, visiting licensed podiatrist.

A. MINUTES:

1. Approval of minutes from November 14, 2013, Meeting.

The minutes of the November 14, 2013 meeting were approved as submitted.

B. OLD BUSINESS:

1. Board Groupon Policy

The Attorney General's Office will have a meeting on the topic of Groupon and forward their advice to all of the Health Care Occupation Boards. The topic is tabled until the Board receives the Attorney General's Advice of Counsel regarding issues related to the coverage of services by the Groupon patient prepaid fees. Additionally, the Board is awaiting Groupon's response with information on their upcoming policies regarding the management of the appearance of "fee splitting" and how they could prevent such circumstances.

2 EMR issues

Richard Bloom, AAG, Board Counsel, is still conducting research, whether or not other Health Care Occupation Boards are having the same issues with the release of patients' medical records to the provider from the EMR companies. The Board is requesting Counsel and the Office of the Attorney General (OAG) to discern and advise if such practice by the EMR companies can be prohibited via the Boards' legal administrative process. The topic was postponed until the next meeting awaiting further information from the OAG.

3. Updates on the Renewal of License

Eva Schwartz, Executive Director, informed the Board that there are still 20 outstanding podiatrists that have not responded to the renewal notices or personal phone calls even though the renewal of license due date of December 1, 2013 has passed. Additionally, to date only, fourteen (14) podiatrists informed the Board that they will not be renewing their license. Several additional licensees are in the process of converting their licenses from an Active status to Inactive.

The Board expressed concern regarding the impact of such decline in the licensees' pool on meeting the Operational Budget. Ms. Schwartz explained that she has worked directly with the Director of DHMH's Budget Office and the Boards' Fiscal Officer, on the budget figures mandated to be projected five (5) years out, showing evidence of sustainable revenue to meet expenditures, from licensure revenue collections. **Additionally**, the annual budget balance sheet must show the required annual carry over balance of minimally 25% of the annual budget, in order that the Budget can move forward out of DHMH for approval by the Legislative Analysts and approval by the General Assembly during Budget Hearings. Ms. Schwartz has identified several line items where she cut the budget expenditures, and that 20% of a staff salary, effective January 1, 2014, will be shared by the Commission on Kidney Disease. Nevertheless, DHMH requested assurances that the Budget will be met for the next five years at least, as well as the fund balance carryover; therefore, the probable necessity to increase the licensing fees for the next renewal period was discussed. The topic was tabled until the January 9th, 2013 meeting when the final numbers of renewed licenses would be known, and the budget figures recalculated.

4. Posting on MBPME Website Board Member Vacancies

The Board was given a copy of the MBPME Board Member Vacancies website posting that was developed in collaboration with the MPMA, to be in compliance with HB 114, requiring such postings by the Healthcare Occupation Boards.

C. NEW BUSINESS:

1. NBPME Adopts Patient Encounter Exam

The Board was given a copy of the National Board of Podiatric Medical Examiners (NBPME) Adopts Patient Encounter Exam article, for informational purposes.

2. Authority to Practice Podiatry as an Employee under Different Scenarios

The Board reviewed an inquiry received to confirm if certain employment scenarios are in accordance with the regulations for Maryland podiatrists.

A. Can a Maryland licensed podiatrist be employed by a Professional Corporation organized under another state's jurisdiction?

B. Can a Maryland licensed podiatrist be employed by a podiatrist that is licensed in another jurisdiction, but is not licensed in Maryland?

The podiatrist employer holds a Doctor of Podiatric Medicine degree, and is licensed to practice podiatry in other states, but would not actually be treating patients in Maryland. The podiatrist employer's role would be as owner and director of the podiatry practice. Podiatry services would only be provided by those duly licensed to practice podiatry in Maryland.

After review of this matter, the Board determined that both scenarios would be in accordance with the regulations for practicing Maryland licensed podiatrists.

3. Review for eligibility for FULL License:

a. Emily Durrance, D.P.M.

The Board reviewed and approved the issuance of a full license for the above applicant.

With no further business, the meeting was adjourned at 1:59 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 1:59 p.m., 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

