

BOARD OF PODIATRIC MEDICAL EXAMINERS

OPEN SESSION MEETING VIA GOOGLE MEETS

PUBLIC MEETING MINUTES

February 09, 2023

Location: Google Meet meet.google.com/yci-rbcf-ipq

Join by phone: (US) +1 405-646-0112 PIN: 595223865

The Public Meeting commenced at 1:01pm, opened by the Board President, Dr. H. David Gottlieb

Roll call was initiated by the Executive Director

Board members present: Drs. Yvonne Umezurike, Aparna Duggirala, Bruce Fox and Adam Silverman

Consumer Members Present: Ms. Frona Kroopnick and Lynne Brecker, RN

Board staff present: Eva Schwartz, Executive Director; Elizabeth Kohlhepp, Deputy Director; and Kiana Nicholson, Licensing Manager

Office of the Attorney General: Kristen Fon Lim, AAG, Board Counsel

Representing MPMA: Dr. Jay LeBow, MPMA Member. Mr. Richard Bloch, Executive Director was not in attendance.

Guests: Zakiyyah Holmes, MDH and Kim Link-MDH.

Dr. Gottlieb cited 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 January 12, 2023 meeting.

The meeting minutes from the January 12, 2023, public meeting, were approved unanimously, as submitted.

B. BOARD PRESIDENT’S REPORT

1. Proposal to promote MBPME Decorum

Dr. Gottlieb provided a copy of a proposed MBPME meeting decorum policy to the Board for review and discussion. Dr. Gottlieb emphasized the importance of Board members engaging only in Board activities during meetings and that proper Professional Business Attire is required for all Board functions. This would be true for both our Public Board meeting and the Executive Board meeting. Examples of “proper professional business attire” were given to include a properly laundered fitted shirt, tie, and sports jacket for men and the equivalent for women. Whereas examples of improper attire were jeans, visible sneakers, sweatshirts, scrubs, and casual shirts. In reference to dress code flexibility, Dr. Duggirala brought to the President’s attention that some Doctors may be wearing scrubs as they are attending meetings during practicing hours. Dr. Gottlieb agreed that sometimes that may be necessary. Dr. Fox inquired if a Board member is subject to sanctions if the proposed policy is not followed. Dr. Gottlieb stated that there are presently no repercussions. Acceptance of the policy went to a vote, which passed with five in favor and one dissenting. The rules of decorum will commence during the March meeting.

C. EXECUTIVE DIRECTOR’S REPORT

Ms. Schwartz discussed complaints from licensees regarding discrepancies in promptness of dispensing CDS registration permits/licenses. Ms. Schwartz reiterated that the Board does not have the statutory or regulatory authority to issue CDS permits, however she has been in contact with CDS who has been responsive to the licensees’ inquiries. CDS has also implemented an option for an electronic prescribing waiver for limited opioid prescribing practices.

Ms. Schwartz also discussed the hearing for HB 611, pertaining to the State Board of Nursing. The Bill proposes changes to infrastructure and operations. The initial hearing will be held on February 10, 2023. The Health Occupations Boards’ budget hearing will be held on February 15, 2023.

D. OLD BUSINESS

1. Update on Regulation 10.40.12 Telehealth (MDH-Podiatry)- Regulations on hold by AELR

Ms. Lim informed the Board that the regulation is currently on hold due to some comments expressing concern over the wording within the regulation. Currently, the Office of the Attorney General is working on a response to these comments which will be sent to the Boards for approval.

2. Update on developing a course to provide CME credits for effectively handling mental health patients in the office.

Ms. Schwartz announced that due to the extensive research and resources needed to develop the CME course, the proposal for course development was removed at this time.

E. NEW BUSINESS

1. IAC/S Privacy Matters: HIPAA Authorizations

The Board reviewed the IAC/S Privacy Matters: HIPAA Authorizations policy. Ms. Schwartz discussed concerns of possible HIPAA violations when information is submitted via the “Contact Us” link on our webpage, which directs all inquiries to MDH, NOT to the respective or relevant Board. Ms. Schwartz asked Ms. Link if she would consider asking the Department to change that link. She responded that she would get back to the Board.

2. HB 454/SB 187- Health Occupations- Licenses, Certificates, and Registrations- Immigrants Legislation

The Board reviewed HB 454/SB 187- Health Occupations- Licenses, Certificates, and Registrations- Immigrants Legislation. The Bill may be supported with amendments as there are concerns that the language will remove authorization from the Board’s to approve or deny licensure of immigrants based on immigration status.

3. Proposed regulation addressing Code of Ethics

Ms. Schwartz proposed to the Board the introduction of regulations in the Board’s Code of Conduct that adheres to ADA laws. The proposed regulation states:

The licensee may not:

(5) Practice, condone, facilitate, or collaborate with discrimination on the basis of race, gender, sexual orientation, age, religion, national origin, socioeconomic status, disability, or any other basis proscribed by law;

The Board voted to add the proposed regulation. Ms. Lim will research the Boards COMAR for placement of the regulation to move forward in submitting the proposal.

4. HB 0583- Health Insurance- Podiatrist- Reimbursement for Infusion of Medication

The Board was provided a copy of HB 0538- Health Insurance- Podiatrist- Reimbursement for Infusion of Medication for review and informational purposes. Ms. Schwartz explained that introduction of the Bill will create equal pay regarding in-office patient infusions and injections. Additionally, Ms. Schwartz shared a communication from Richard Bloch that an amendment will be made to the Bill stating that it is for all providers. The Board voted all in favor of the Bill.

1. NPDB February 2023 Insights Highlights

The Board was provided a copy of the “National Practitioners Data Bank Insights” February Newsletter for informational purposes.

Additionally, Dr. Lebow reminded the Board of the February 28th Federation of Podiatric Medical Boards meeting. The Federation meeting will emphasize problems encountered in the podiatric community and how different State Boards manage them.

F. ADJOURNMENT

With no further business, the Public Session of the Board meeting concluded at 1:42 PM.

Respectfully submitted by Eva Schwartz, Executive Director, Signature and date__

and Elizabeth Kohlhepp, Deputy Executive Director, Signature and date__

Signature by Frona Kroopnick, Board Secretary/Treasurer:__