

BOARD OF PODIATRIC MEDICAL EXAMINERS

OPEN SESSION MEETING VIA GOOGLE MEET

PUBLIC MEETING MINUTES

February 8, 2024

Location: Google Meet meet.google.com/axh-kefj-vfo

Join by phone: (US) +1 724-542-5434 PIN: 878958198

The Public Meeting commenced at 1:03pm, opened by the Board President, Dr. Aparna Duggirala.

Roll call was initiated by the President.

Board members present: Drs. Yvonne Umezurike, H. David Gottlieb, Bruce Fox, and Adam Silverman.

Consumer Members Present: Ms. Frona Kroopnick. Ms. Lynne Brecker, R.N.

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

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

Representing MPMA: Mr. Richard Bloch, Executive Director, and Dr. Jay Lebow, MPMA Member.

Guests: Richard Bloch, Esq., Executive Director and Chief Counsel, representing MPMA. Dr Jay LeBow, Director Emeritus, representing FPMB. Zakiyah Holmes- MDH.

Dr. Aparna Duggirala 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 11, 2024, meeting.

The meeting minutes from the January 11, 2024, public meeting, were approved unanimously, as submitted.

B. BOARD PRESIDENT'S REPORT

Dr. Duggirala had no report at this time.

C. EXECUTIVE DIRECTOR'S REPORT

Ms. Schwartz shared with the Board and guests that budget hearings were scheduled for February 8-9, 2024. The Fiscal Analyst will share their concerns regarding all Board's budgets including concern over how some Boards show delinquency in meeting MFR reporting for investigative materials and licensure requirements, therefore leading to a loss in funds. Ms. Schwartz stated that the Board of Podiatry has met all the MFR standards and requirements regarding licensure and complaints resolution/disposition completion timelines.

Ms. Schwartz shared the MDH Secretary's plan to incorporate a new computer platform for the Board of Nursing. The plan is to eventually include implementation of the system to all the MDH Boards, however, there are currently no vendors selected or approved for bids by the MDH Procurement and Purchasing Department. An independent system for the smaller Boards is being discussed as an option but presently, the RFP submitted is pending review by the MDH Procurement Department.

Further, Ms. Schwartz shared that Secretary Tisha Edwards, Secretary of Appointments in Governor Moore's office, submitted an updated list of the Board members' roster. Ms. Schwartz shared that Dr. Fox has been officially reappointed, however, Ms. Kroopnick, Dr. Gottlieb, and Dr. Umezurike will not be reappointed as they have already served two full terms. A meeting will be held by MPMA in April, for election purposes and nominations to the Governor's Office of Appointments, for the two podiatrists' positions on the Board. Both vacancies are new, and they are NOT re-appointment vacancies.

Finally, Ms. Schwartz shared that the Fiscal Auditors have requested reports for Board investigations from fiscal years 2021-present. The purpose of the investigative audit is to ensure that the Boards meet standards and criteria regarding the completion of processes in a timely manner. The audit information will disclose the licensees' names. Ms. Lim shared that the auditors are authorized to be given licensees' information for quality control purposes, as this information would support administrative functions; however, social security numbers, or Personally Identifiable Information are not accessible.

D. OLD BUSINESS:

1. Update Discussion on Amending the Language for the Civil Settlement Reporting Requirements Application Question

Ms. Nicholson shared that the full license, new and renewal applications are updated with the amended language. Changes can be seen to the Full License paper application on the Board's website.

2. Update Licensing Statistics for the 2024-2025 Renewal

Ms. Nicholson shared with the Board statistics for the 2024-2025 license renewal cycle. Ms. Nicholson shared that the renewal cycle began with 491 active, full licensees and on completion of the full license renewals, 440 licensees renewed their license, 14 licensees moved to inactive status, and 37 moved to non-renewed status. Ms. Schwartz shared that the statistics provided are in line with past renewal cycles. Ms. Schwartz

emphasized that the numbers are steady and ensures that a healthy budget is maintained.

3. Ratifying the Executive Meeting Minutes concerning CME Credits awarded for MPMA and MBPME meetings.

Ms. Schwartz shared that the Board would allow one (1) documented CME credit for each MPMA meeting and MBPME meeting attended. Further, Ms. Schwartz emphasized that Board members who currently serve cannot receive a credit for an MBPME meeting; however, non-board members who join MBPME meetings will receive one (1) credit per meeting toward CME's. The Board voted in favor of ratifying the Executive Meeting discussing the CME credits awarded for MPMA and MBPME meetings.

4. Letter of Opposition (Board of Physicians and various Boards)-SB 54

Ms. Schwartz shared that the Occupational and Licensing Boards are opposing the bill and writing a mutual letter of opposition. SB 54 would remove the requirement that applicants disclose certain criminal history, particularly for nonviolent offenses and crimes that did not result in imprisonment. Ms. Schwartz emphasized that not disclosing non-violent crime is fraudulent and unethical and the information should be disclosed. Dr. Duggirala shared that the argument is well written and encompasses all relevant concerns. The Board voted to oppose the Bill and join the letter of opposition.

E. NEW BUSINESS:

1. Discussion Concerning Completion of Character and Fitness Questions on The Renewal Application

Ms. Nicholson shared that the discussion concerning completion of character and fitness questions on the renewal application is to ensure that licensees are completing their own applications and disclosing all relevant information. Ms. Nicholson emphasized that the issue is relevant due to the increase of HCA claims received after the renewal application was submitted and a license awarded. Ms. Schwartz emphasized that it is more accurate to disclose the information before the Board becomes aware of such claims.

2. HB 642 - Apprenticeships in Licensed Occupations Act of 2024

The Board discussed HB 642- Apprenticeships in Licensed Occupation Act of 2024. After discussion, the Board voted to write a Letter of Concern regarding the proposed Bill. Ms. Schwartz explained that the Executive Directors of each Board will write a combined statement explaining that there is no pathway to licensure through apprenticeship. A hearing is scheduled for HB 642 on February 21, 2024.

3. HB 581 State Government - Permits, Licenses, and Certificates - Processing (Transparent Government Act of 2024)

Ms. Schwartz shared that HB 581 State Government- Permits, Licenses, and Certificates- Processing (Transparent Government Act of 2024) was cross filed as SB 0472 in the Senate. The Bill requires a catalog of information from each Board for all licensees and focuses on data logging and collection. After discussion, the Board voted unanimously to Support the Bill.

4. HB 809 Members of Boards, Committees, Commissions, Task Forces, or Workgroups – Removal or Suspension

Dr. Umezurike opened the discussion on HB 809 Members of Boards, Committees, Commissions, Task Forces, or Workgroups- Removal or Suspension by asking if there are any current policies regarding the removal or suspension of Members. Ms. Lim shared that current Members must petition the Governor for removal. The process can be very long and difficult without consent. To file the petition there must be a gross act of misconduct or proof that a member has missed two or more consecutive board meetings without adequate documentation. **Ms. Schwartz shared that the Office of Appointments regulations require that if a Board Member does not have regular or continued attendance at the Board meetings, the Board Member may be asked to resign.** Further, Ms. Schwartz emphasized that the Bill is an interesting change to the process as it allows Board Members to resign on their own. After discussion, the Board voted unanimously in Support of the Bill.

5. Topics Newsletter- Winter 2023

The Topics Newsletter- Winter 2023 was shared for informational purposes.

6. Other

Dr. Lebow presented the advancement of Safe Harbor Provisions. The Provisions are currently adopted as law in 20 states and indicate that if a medical professional has a psychiatric condition or is self-enrolled in a drug treatment plan, and meets all requirements, the treatment does not need to be reported. Dr. Lebow emphasized that this allows Doctors to report their treatment without fear of losing a license and allows the Doctor to continue patient treatment as long as guidelines are followed. Ms. Schwartz shared that a discussion during the January Public meeting portrayed a similar post in the NPDB newsletter referring to what to report and what not report. Although the title differs, the principle was the same. Ms. Schwartz emphasized the importance of helping people rehabilitate while not penalizing them. Dr. Lebow will share the information regarding Safe Harbor Provisions with Ms. Schwartz for review.

F. ADJOURNMENT

With no further business, the Public Session of the Board meeting concluded at 1:45 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:__