

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

**January 12, 2012  
Room 110**

The Open Session meeting of the Maryland Board of Podiatric Medical Examiners (Board) was held on Thursday, January 12, 2012, in Room 110, 4201 Patterson Avenue. The meeting was called to order at 1:19 P.M., by Board President Dr. Tanya Sellers-Hannibal.

Additionally, Board members present included: Drs. Steve Chatlin, Jay LeBow, Craig Friedman, and Zachary Chattler. Public member of the Board present was Barbara Crosby, RN, BSN. Public member Jay Boyar, EdS. was absent.

Staff present: Richard Bloom, AAG, Board Counsel, Sheri Henderson, Administrative Officer and Elizabeth Amspacher, Licensing Coordinator. Eva Schwartz, Executive Director, attending the meeting via telephone.

Guests present: Lynda McGinnis, D.P.M., Maryland Podiatric Medical Association (MPMA), Paula Hollinger, DHMH, and Harold Glazer, D.P.M., visiting Maryland licensed podiatrist (also attended December 8, 2011 meeting).

**A. MINUTES:**

**1. Approval of minutes from December 8, 2011, Meeting.**

The minutes of the December 8, 2011 meeting were approved as submitted.

**B. OLD BUSINESS:**

**1. Health Occupations Boards-Regulations and Scope Of Practice Advisory Committees.**

The Board was informed that the Health Occupations Boards- Regulations and Scope of Practice Advisory Committees draft has not been drafted as a bill yet. As of now, the Department is looking for a sponsor.

**2. Board's Sanctioning Guidelines was forwarded to the Division of State Documents for publication in the January 27, 2012 Maryland Register with the comment period ending February 27, 2012.**

The Board was provided for informational purposes the final copy of the Sanctioning Guidelines. They were made aware that the telephone conference that was scheduled to review the sanctioning guidelines was cancelled and all issues were resolved. The Board's Sanctioning Guidelines were forwarded to the Division of State Documents for publication in the January 27, 2012 Maryland Register with the public comment period ending February 27, 2012.

### **3. Updates on Completion of 2012-2013 Licensure Renewals**

The Board was informed that there are three retiring Podiatrists this renewal period. Two Podiatrists have not been reachable by the Board after multiple attempts and have not renewed. Eight Podiatrists are not renewing this period and eight are moving from the Active to Inactive status. Non-responsive Licensees will be notified one last time and documentation will be placed in their licensing file. The Board decided to send Cease and Desist Orders effective February 1, 2012 to the two Podiatrists that have not been reachable for licensure renewal purposes.

### **4. MPMA Newsletter Publishing Procedure**

The Board discussed the procedure for the publishing of the MPMA's newsletter. Richard Bloom, AAG, stated that it was not appropriate for the Podiatry Board to review the minutes prior to their publication in the MPMA's Newsletter. Lynda McGinnis, D.P.M., (MPMA), indicated that Richard Bloch, MPMA Executive Director, concurred with Richard Bloom, Board Counsel's statement. The Board tabled the discussion until the Maryland State Ethics Commission's presentation to be held in the Executive Session.

### **5. Review Laser Statement**

The Board discussed a copy of the laser advertising statement that had been provided via email by Richard Bloom, AAG, prior to the meeting. Each Board member will review the draft and provide revisions to Richard Bloom, AAG, no later than January 18, 2012. Richard Bloom, AAG, will provide the final draft at the February meeting.

## **C. NEW BUSINESS:**

### **1. Health Occupations Boards- Public Orders Draft Review**

The Board reviewed the Health Occupations Boards- Public Orders Draft. Paula Hollinger, DHMH, feels that the bill will not be submitted to legislation.

### **2. Health Care Practitioners – Licensed Dentists, Physicians, and Podiatrists – Personally Preparing and Dispensing Prescription Drugs and Devices Draft**

The Board discussed the changes that keep occurring with the Health Care Practitioners – Licensed Dentists, Physicians, and Podiatrists – Personally Preparing and Dispensing Prescription Drugs and Devices Legislative/regulatory Draft. This proposal still retains the much disputed issue of the distance restrictions and the addition of required CME's for dispensing, before a permit

could be issued. The Board expressed concern about how the draft does not clarify what “devices” are included in the regulations. The Maryland Podiatric Medical Association will be kept abreast of all new drafts generated by this work in progress. The Board agreed to wait until the draft moves to bill format to make their decision.

### **3. Scope of Practice Inquiry- Lara Crozier, CPCS, CPMSM**

**Is it within the scope of practice for a podiatrist to perform conscious sedation?**

**The Board reviewed the inquiry about whether it is within the scope of practice for a Podiatrist to perform conscious sedation. It was determined that this procedure is not within the scope of practice of a licensed Maryland Podiatrist.**

**Ms Crozier will be informed of this ruling.**

A discussion ensued regarding who could perform conscious sedation:

Can a podiatrist supervise a CRNA?

An Anesthesiologist must supervise, although not necessarily in the OR, but be available when conscious sedation is administered to a patient by a Nurse Anesthetist. Regular Registered Nurses cannot be trained to do such procedures. They must take the appropriate courses and be certified for such.

#### **D. Other**

- 1. Paula Hollinger, DHMH, indicated that HB114 has been implemented. The Board’s are scheduled to testify on February 8, 2012 at 11:45 am. The Budget hearing will take place on February 8, 2012 (House) and February 9, 2012 (Senate) at 1:00 pm.**
- 2. Board President informed the Board members that effective January 1, 2012 the per diem has increased from \$100.00 to \$150.00.**

**With no further business, the meeting was adjourned at 2:08 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 2:08 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