

BOARD OF PODIATRIC MEDICAL EXAMINERS
OPEN SESSION MEETING MINUTES
May 14, 2009

The Open Session meeting of the Maryland Board of Podiatric Medical Examiners was held on Thursday, May 14, 2009, in Room 110, 4201 Patterson Avenue. The meeting was called to order at 1:15 p.m. by President Dr. David Freedman. Board members present were Drs. Ira Gottlieb, Steven Chatlin, Jay LeBow, Tanya Sellers-Hannibal, Mrs. Ernestine Jones Jolivet and Ms. Barbara Crosby. Also present were Eva Schwartz, Executive Director, Richard Bloom, AAG, Board Counsel and Sally Reier, Administrative Officer. Guests present were Lynda Lardner-McGinnis, D.P.M., Maryland Podiatric Medical Association (MPMA) representative, Paula Hollinger, Associate Director of Health Work Force, and Sharon Bloom, Executive Assistant.

A. MINUTES:

The minutes from the March 12, 2009 meeting were reviewed and unanimously approved as submitted.

B. OLD BUSINESS:

1. Proposed Legislation House Bill 1275 (HB 1275)
Health Occupations Boards – Failed

Ms. Schwartz informed the Board that HB 1275 failed. The boards and commissions have formed a committee which will discuss some of the recommendations contained in this failed legislation. Additional discussion of this matter was moved to Executive Session.

2. Proposed Legislation House Bill 756 (HB756)
Cultural and Linguistic Health Care Provider
Competency Program

Ms. Schwartz informed the Board that HB 756 passed. The Board discussed that the professional associations for health care providers are identified to participate in the development of a cultural and linguistic health care provider competency program. The Board noted that no resources have been provided with this Bill.

3. Senate Bill 634 – Professional Corporations -
Professional Services – Multiple Professions

Ms. Schwartz informed the Board that SB 634 passed. This legislation allows multiple professions in one professional corporation, such as podiatrists and physicians.

C. NEW BUSINESS:

1. New Feature of the Online Renewal System

- Edit feature allows licensees to edit/change the CME entries anytime before their final submission

Ms. Schwartz informed the Board that the online renewal system has been updated and now allows licensees to edit their CME entries anytime prior to final submission. It is anticipated that this capability will facilitate the entry of CME information at license renewal.

2. “Health After 50” article published with Johns Hopkins Medicine regarding Medicare coverage of orthotics

The Board reviewed this article regarding Medicare coverage for the billing of orthotics that was published in the April 2009 edition of the Johns Hopkins Medical Letter: *Health After 50*. The Board was concerned that the article states that Medicare covers custom made orthotics for diabetics. The Board identified that Medicare does not pay for orthotics for the foot unless attached to a leg brace and that Medicare does cover diabetic inlays; however, inlays are not considered orthotics.

The Board requested staff to send a letter to the Johns Hopkins Medical Letter: *Health After 50* requesting that they consider publishing the aforementioned information in a future issue of *Health After 50* to provide a more complete explanation of Medicare’s coverage and limitations for orthotics, thus alleviating any misunderstanding or misinterpretation of the information in this article. Staff was requested to send copies of this letter to Drs. Liebowitz and Chatter, the podiatrists identified in the article.

3. Senate Bill 242 – Dispensation of Prescription Medication – Provision of Information Relating to Incorrectly Filled Prescriptions

Ms. Schwartz informed the Board that SB 242 passed. The Board discussed that this bill only applies to those dispensing prescription medications with permits from their office.

4. Scope of Practice Inquiry from Alan L. Voss

The Board reviewed this scope of practice inquiry from Mr. Voss and provided the following responses to his questions:

- May the DPM perform laser procedures in his/her office? *Yes.*
- May these procedures be delegated to anyone in the practice? *These procedures may only be delegated to another licensed podiatrist or podiatric resident.*

- If these or any other procedures may be delegated – to whom and under what type of DPM oversight (on-site or off-site)? *The Board determined this question to be overly broad for a single generalized response and requested that Mr. Voss rephrase same, as needed.*
- Can a DPM supervise an RN in a podiatric practice? *Yes.*

Staff was requested to send a letter to Mr. Voss informing him of the Board's response.

5. Spring 2009 Newsletter – Request for topics/articles

Staff informed the Board that work has begun on a spring 2009 edition of the Board's newsletter, *Toe The Line*. Board members were invited to contribute articles or information for inclusion in the newsletter.

Added to Agenda:

Ms. Schwartz informed the Board that Kaiser Permanente now requires their podiatrists working in the Mid-Atlantic region to hold Active licenses in Maryland. As a result of this requirement, seven podiatrists will be applying for Active licensure. As Director of Podiatry for the Mid-Atlantic Region of Kaiser Permanente, Ms. Schwartz acknowledged Steven Chatlin, D.P.M., for establishing this policy.

Ms. Schwartz stated that a podiatrist licensed in Pennsylvania contacted the Board to obtain a license in Maryland stating that he has been practicing in Pennsylvania for 20 years and had completed a residency but had not taken the PM Lexis examination. The Board discussed that the PM Lexis is a requirement of licensure in Maryland and affirmed that a license could not be issued without meeting this requirement. The Board requested that Ms. Schwartz contact the podiatrist to determine if he had passed an exam which may have been a pre-cursor to the PM Lexis which the Board would then review.

With no further business, the meeting was adjourned at 2:06 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 2:21 p.m., for the purpose of complying with the Maryland Medical Practice Act that prevents public disclosures about particular proceedings or matters.

Respectfully submitted,

Ernestine Jones Jolivet, Secretary/Treasurer