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COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF STATE  
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS

**F I N A L M I N U T E S**

MEETING OF:

**STATE BOARD OF PODIATRY  
VIA VIDEOCONFERENCE**

TIME: 10:44 A.M.

Wednesday, June 16, 2021

State Board of Podiatry  
June 16, 2021

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BOARD MEMBERS:

Robert B. Weber, D.P.M., J.D., M.B.A., Chairman  
K. Kalonji Johnson, Commissioner, Bureau of  
Professional and Occupational Affairs  
Michael J. Paris, D.P.M., Vice Chairman  
Eric B. Greenberg, D.P.M., J.D., Secretary  
Melissa Haluszczak, Public Member - Absent  
Dia D. McCaughan, D.P.M.

BUREAU PERSONNEL:

Todd Kriner, Esquire, Board Counsel  
Carole Clarke Smith, Esquire, Senior Board Counsel  
Christopher K. McNally, Esquire, Board Prosecution  
Liaison  
Nichole Wray, Board Administrator  
Theodore Stauffer, Executive Secretary, Bureau of  
Professional and Occupational Affairs

ALSO PRESENT:

William D. Fetchik, D.O.

1 \*\*\*

2 State Board of Podiatry

3 June 16, 2021

4 \*\*\*

5 [Pursuant to Section 708(a)(5) of the Sunshine Act, at  
6 9:30 a.m. the Board entered into Executive Session  
7 with Todd Kriner, Esquire, Board Counsel, for the  
8 purpose of conducting quasi-judicial deliberations on  
9 matters listed under the Report of Board Counsel. The  
10 Board returned to open session at 10:30 a.m.]

11 \*\*\*

12 The regularly scheduled meeting of the State  
13 Board of Podiatry was held on Wednesday, June 16,  
14 2021. Robert B. Weber, D.P.M., J.D., M.B.A.,  
15 Chairman, called the meeting to order at 10:44 a.m.

16 \*\*\*

17 Approval of minutes of the April 21, 2021 meeting

18 CHAIRMAN WEBER:

19 Approval of the minutes will be our next  
20 agenda item.

21 Could I have a motion for approval,  
22 please?

23 DR. PARIS:

24 I'll make that motion.

25 CHAIRMAN WEBER:

1 Second, please?

2 DR. GREENBERG:

3 I'll second it.

4 CHAIRMAN WEBER:

5 So moved.

6 [The motion carried unanimously.]

7 \*\*\*

8 Report of Prosecutors

9 [Christopher K. McNally, Esquire, Board Prosecution  
10 Liaison, had no formal report to offer the Board.]

11 \*\*\*

12 Report of Board Counsel

13 [Todd Kriner, Esquire, Board Counsel, noted the Board  
14 met in Executive Session to engage in quasi-judicial  
15 deliberations under Section 708(a)(5) of the Sunshine  
16 Act on matters listed under the Report of Board  
17 Counsel.]

18 MR. KRINER:

19 Would the Board entertain a motion to  
20 adopt the hearing examiner's proposed  
21 Adjudication and issue a corrected Order  
22 for William T. Ainsley, D.P.M., at Case  
23 Nos. 20-44-011657 & 20-44-012841?

24 CHAIRMAN WEBER:

25 Could I have a motion from a Board

1 member, please?

2 DR. GREENBERG:

3 I'll make a motion to accept.

4 CHAIRMAN WEBER:

5 Second, please?

6 DR. PARIS:

7 I'll second.

8 CHAIRMAN WEBER:

9 All in favor? Any nays?

10 [The motion carried unanimously.]

11 \*\*\*

12 [Todd Kriner, Esquire, Board Counsel, noted the  
13 meeting was being recorded, and those who remained on  
14 the line were giving their consent to being recorded.]

15 \*\*\*

16 MR. KRINER:

17 Would the Board entertain a motion to  
18 adopt the hearing examiner's proposed  
19 Adjudication and Order for Lawrence J.  
20 Kansky, D.P.M., Case No. 21-44-01179?

21 CHAIRMAN WEBER:

22 Could I have a motion to accept?

23 DR. GREENBERG:

24 I'll make that motion to accept.

25 CHAIRMAN WEBER:

1 Second?

2 DR. PARIS:

3 I'll second.

4 CHAIRMAN WEBER:

5 All in favor? Any nays?

6 [The motion carried unanimously.]

7 \*\*\*

8 MR. KRINER:

9 Would the Board entertain a motion to  
10 accept the hearing examiner's proposed  
11 Adjudication and Order with regard to  
12 Sharon Louise Pletcher, D.P.M., Case Nos.  
13 18-44-01489 & 19-44-004587?

14 DR. PARIS:

15 I'll make the motion.

16 DR. GREENBERG:

17 I'll second it.

18 CHAIRMAN WEBER:

19 All in favor? Any nays?

20 [The motion carried unanimously.]

21 \*\*\*

22 Report of Regulatory Counsel

23 [Todd Kriner, Esquire, Regulatory Counsel, referred to  
24 16A-4417 regarding continuing education. He addressed  
25 prior Board discussion concerning comments to the

1 proposed rulemaking regarding distance learning and  
2 the issue of reducing credit hours from 50 to 45,  
3 noting the Board agreed to go back to 50 hours.

4 Mr. Kriner addressed prior discussion regarding  
5 clock hours to include, "may be in approved courses  
6 and programs that involve the use of reading  
7 professional journals," where the Board wanted to  
8 revert back to how it is written pursuant to the  
9 comments from the American Podiatric Medical  
10 Association (APMA) and the Pennsylvania Podiatric  
11 Medical Association (PPMA). He noted language in  
12 § 29.61(3) addresses the concern.

13 Chairman Weber commented that having approved  
14 courses and programs is the crux of the matter, along  
15 with the removal of magazine articles.

16 Mr. Kriner stated at least 30 of the clock hours  
17 must be in courses and programs in podiatry approved  
18 by the Board or Council on Podiatric Medical Education  
19 and questioned whether those courses are offered by  
20 distance learning.

21 Dr. Paris commented that he did not think there  
22 was any specification whether clock hours have to be  
23 through distance learning or in person and referred to  
24 § 29.61(4), which clarifies how clock hours may be  
25 obtained.

1 Mr. Kriner commented that the Board voted to  
2 allow 100 percent of clock hours online, noting  
3 § 29.61(4) accurately reflects that.

4 Dr. Paris referred to § 29.61(4), where it mentions  
5 meeting a skills assessment, which is not necessary if  
6 it is a livestreaming or a live interaction-type  
7 program. He proposed adding the word "asynchronous"  
8 for it to read, "Clock hours that are obtained through  
9 asynchronous distance learning courses shall only be  
10 eligible." He also suggested defining synchronous and  
11 asynchronous.

12 Mr. Kriner commented that the Board has gone  
13 through several Board counsels over the recent years  
14 and he wanted to make sure he understood the Board's  
15 concerns and wanted to clarify everything to be able  
16 to complete the final annex to keep moving forward.

17 Mr. Kriner recommended the Board vote on the  
18 April minutes again, noting a first and a second for  
19 approval but no vote.]

20

\*\*\*

21 Approval of minutes of the April 21, 2021 meeting

22 CHAIRMAN WEBER:

23 At this moment, in regard to the approval  
24 of the minutes, could I have a motion to  
25 approve and a second?



1 DR. PARIS:

2 I make a motion to approve.

3 DR. GREENBERG:

4 Second.

5 CHAIRMAN WEBER:

6 All in favor? Any nays?

7 [The motion carried unanimously.]

8 \*\*\*

9 CHAIRMAN WEBER:

10 Could I have a motion to accept Board  
11 counsel's report?

12 DR. GREENBERG:

13 Motion to accept.

14 DR. PARIS:

15 I'll second.

16 CHAIRMAN WEBER:

17 All in favor? Any nays?

18 [The motion carried unanimously.]

19 \*\*\*

20 CHAIRMAN WEBER:

21 Motion to accept the regulatory counsel  
22 report?

23 DR. GREENBERG:

24 I make a motion to accept the regulatory  
25 counsel report.



1 has passed an examination and has been approved by the  
2 Board administered in accordance with the  
3 Administrative Code of 1929.

4 Dr. Paris noted the avenue for a podiatric  
5 assistant to receive certification to take X-rays is  
6 passing a test approved by the Board and questioned  
7 who is able to petition the Board with such tests.

8 Dr. Paris questioned whether individual  
9 podiatrists could develop a test that might be  
10 comparable to tests that are already out there that  
11 review radiologic safety and procedures or does it  
12 have to be another organization. He commented that  
13 whatever the examination the assistant would have to  
14 take would have to be in accordance with the  
15 Administrative Code of 1929.

16 Chairman Weber commented that certification every  
17 year is an unnecessary nuisance that adds extra  
18 expense and a tremendous amount of work on the staff.  
19 He questioned whether the Board would have the ability  
20 to change certification to biennial. He noted that  
21 Board members have an obligation to look after people  
22 who are not members of PPMA and are still licensed in  
23 the commonwealth. He thanked Dr. Paris for the  
24 information.

25 Dr. Paris referred to the Podiatry Practice Act,

1 where it is written that a person has to pass an  
2 examination approved by the Board but whether or not  
3 that person kept up with current ASPMA certification  
4 is not written in the Podiatry Practice Act and  
5 deferred the matter to legal colleagues.

6 Chairman Weber thanked Dr. Paris for his input  
7 and requested legal counsel look into the matter.

8 Chairman Weber addressed a possible mechanism in  
9 the future where boards could have a cochair and  
10 expressed appreciation for every person on the Board,  
11 including legal counsel, administration, and the  
12 Commissioner.]

13

\*\*\*

14 Report of Commissioner

15 [K. Kalonji Johnson, Commissioner, Bureau of  
16 Professional and Occupational Affairs, offered no  
17 formal report. He addressed discussions during  
18 Executive Session, where they are finalizing  
19 preparation for the email blasts to licensees on  
20 behalf of the Board. He thanked Board members for  
21 their work regarding the substantive content. He  
22 mentioned updates will be provided with regard to  
23 legislative updates for all licensees hopefully within  
24 the next several days.

25 Commissioner Johnson commented that Board

1 meetings will continue in virtual formal. He  
2 mentioned that the General Assembly extended many  
3 waivers affecting licensees for the next 90 days even  
4 though the emergency disaster declaration formally  
5 ended.

6 Commissioner noted that the Department of State  
7 Office of Policy, Office of Legislative Affairs, and  
8 Office of Chief Counsel are collaborating with the  
9 administration and working with colleagues in the  
10 General Assembly and executive directors for the  
11 Professional Licensure Committees and Consumer  
12 Protection Committees in the House and Senate to  
13 ensure beneficial waivers can be enacted to be  
14 implemented after October 1 and to ensure gradual wind  
15 down does not harm the public or detrimentally affect  
16 practitioners.

17 Dr. Greenberg referred to a question received  
18 from a colleague regarding the waiver. He questioned  
19 whether a podiatrist, who does not have all of the  
20 continuing education (CE) credits in online by  
21 September 30 and the curtain comes down and since the  
22 proposal is not in place yet where you get 100 percent  
23 of credits online, would now have to find a face-to-  
24 face conference.

25 Commissioner Johnson stated a face-to-face

1 conference would have to be found if something could  
2 not be scheduled before October 1, unless the general  
3 assembly was willing to provide a legislative remedy  
4 that would apply to all of the boards.

5 Ms. Wray commented that the waiver actually  
6 indicates specifically through the individual's next  
7 renewal that comes after January 1, 2021.

8 Ms. Wray mentioned that the voted part states  
9 effective January 1, 2021, licensees are permitted to  
10 renew their license after next renewal that comes  
11 after January 1, 2021, utilizing CE obtained through  
12 either traditional in-person courses or by means of  
13 distance learning and means that licensees may satisfy  
14 up to 100 percent of their CE requirements for their  
15 next renewal.

16 Commissioner Johnson believed the intent of that  
17 language is if an individual has the online CE and  
18 completed the online CE at some point between January  
19 1 and the end of the disaster declaration.

20 Commissioner Johnson commented that the idea  
21 behind that language is to ensure full credit for any  
22 courses taken under the conditions of the waiver even  
23 if the disaster declaration ends. He noted it does  
24 not artificially extend the conditions of the waiver  
25 beyond what the general assembly now dictated.

1 Dr. Greenberg suggested Mr. Kriner or  
2 Commissioner Johnson provide a definitive answer for a  
3 newsletter for licensees.

4 Commissioner Johnson commented that he would  
5 provide language for all to understand that waivers  
6 are ending on September 30, 2021, and anyone who is  
7 going to continue acting as if they were under a  
8 waiver after that date will be subject to conditions  
9 or penalties.

10 Commissioner Johnson emphasized that everyone may  
11 simply go back to the way things were on March 15,  
12 2020, or there may be a new paradigm depending on what  
13 the general assembly does in the next 90 days. He  
14 noted the importance of licensees being prepared for  
15 those eventualities.

16 Commissioner Johnson stated the only answer that  
17 could be given on June 16 is that unless the waiver is  
18 extended beyond September 30, the conditions of the  
19 waiver will no longer be in effect.

20 Commissioner Johnson further explained that  
21 credit received moving forward until September 30 will  
22 be kept and no one will be penalized for operating  
23 under the waiver. He mentioned adding something,  
24 where individuals would not lose credit, but the idea  
25 they would be able to approve more credits cannot be

1 answered because no one knows what will happen between  
2 now and September 30, 2021.

3 Commissioner Johnson encouraged associations  
4 reach out to elected officials to see what they can do  
5 to extend some of the waivers and advocate on behalf  
6 of their members and licensees in general as to why  
7 the waiver is beneficial instead of relying on an 18-  
8 month regulatory process.]

9 CHAIRMAN WEBER:

10 I would like to have a motion to accept  
11 Commissioner Johnson's report.

12 DR. GREENBERG:

13 I make a motion to accept Commissioner  
14 Johnson's report.

15 DR. PARIS:

16 I'll second.

17 CHAIRMAN WEBER:

18 All in favor? Any nays?

19 [The motion carried unanimously.]

20 \*\*\*

21 Report of Board Administrator - No Report

22 [Nicole Wray, Board Administrator, informed the Board  
23 that she is officially the Board administrator and  
24 offered her assistance with any questions or concerns.

25 Chairman Weber thanked Ms. Wray for being onboard



1 and answering the Board's questions.]

2 \*\*\*

3 Continuing Education Program Approval

4 [Nicole Wray, Board Administrator, noted there were no  
5 applications to be brought before the Board today.

6 Dr. McCaughan stated she had nothing to report on  
7 an educational basis and had no issues with reviewing  
8 applications going forward.]

9 \*\*\*

10 For the Board's Information/Discussion - Board Meeting  
11 Dates

12 [Robert B. Weber, D.P.M., J.D., M.B.A., Chairman,  
13 noted upcoming Board meeting dates.]

14 \*\*\*

15 Miscellaneous

16 [Robert B. Weber, D.P.M., J.D., M.B.A., Chairman,  
17 requested information regarding potential appointments  
18 for the Board.

19 Commissioner Johnson mentioned not seeing any  
20 correspondence from the Governor's Office with respect  
21 to podiatry. He apologized to Dr. Fetchik for not  
22 being able to formally welcome him as the newest  
23 member but is working on whatever hiccups took place  
24 so everyone can enjoy his participation and commentary  
25 in the next Executive Session.



1 CHAIRMAN WEBER:

2 All in favor? Any nays?

3 [The motion carried unanimously.]

4 \*\*\*

5 [There being no further business, the State Board of  
6 Podiatry Meeting adjourned at 11:42 a.m.]

7 \*\*\*

8

9

10 CERTIFICATE

11

12 I hereby certify that the foregoing summary  
13 minutes of the State Board of Podiatry meeting, was  
14 reduced to writing by me or under my supervision, and  
15 that the minutes accurately summarize the substance of  
16 the State Board of Podiatry meeting.

17

18

19



20

Evan Bingaman,

21

Minute Clerk

22

Sargent's Court Reporting

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Service, Inc.

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STATE BOARD OF PODIATRY  
REFERENCE INDEX

June 16, 2021

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TIME	AGENDA
9:30	Executive Session
10:30	Return to Open Session
10:44	Official Call to Order
10:44	Approval of Minutes
10:44	Report of Prosecutors
10:45	Report of Board Counsel
10:51	Report of Regulatory Counsel
11:12	Approval of Minutes
11:13	Report of Board Chair
11:14	Report of Commissioner
11:34	Report of Board Administrator
11:38	Miscellaneous
11:42	Adjournment