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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: 10:46 A.M.

Wednesday, October 20, 2021

State Board of Podiatry  
October 20, 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  
Dia D. McCaughan, D.P.M. - Absent  
William D. Fetchik, D.O.

BUREAU PERSONNEL:

Todd Kriner, Esquire, Board Counsel  
Carole Clarke Smith, Esquire, Senior Board Counsel  
Carolyn DeLaurentis, Deputy Chief Counsel, Prosecution  
Division  
Christopher K. McNally, Esquire, Board Prosecution  
Liaison  
Paul J. Jarabeck, Esquire, Board Prosecutor  
Nichole Wray, Board Administrator  
Marc Farrell, Deputy Director, Office of Policy,  
Department of State

ALSO PRESENT:

Jen Smeltz, Republican Executive Director, Senate  
Consumer Protection & Professional Licensure  
Committee

1 \*\*\*

2 State Board of Podiatry

3 October 20, 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 and  
10 Report o Prosecutorial Division. The Board returned  
11 to open session at 10:30 a.m.]

12 \*\*\*

13 Meeting Instructions

14 [Nichole Wray, Board Administrator, provided  
15 instructions to be followed during the virtual  
16 meeting.]

17 \*\*\*

18 [Todd Kriner, Esquire, Board Counsel, noted the Board  
19 met in executive session to engage in quasi-judicial  
20 deliberations on the matters listed under the Report  
21 of Board Counsel and Report of Prosecutorial  
22 Division.]

23 \*\*\*

24 The regularly scheduled meeting of the State  
25 Board of Podiatry was held on Wednesday, October 20,

1 2021. Robert B. Weber, D.P.M., J.D., M.B.A.,  
2 Chairman, called the meeting to order at 10:46 a.m.

3 \*\*\*

4 Roll Call/Introduction of Attendees

5 [Nichole Wray, Board Administrator, provided an  
6 introduction of the Board members, staff, and audience  
7 in attendance.]

8 \*\*\*

9 [Nichole Wray, Board Administrator, reminded everyone  
10 that the meeting was being recorded, and those who  
11 remained on the line were giving their consent to  
12 being recorded.]

13 \*\*\*

14 Approval of minutes of the June 16, 2021 meeting

15 CHAIRMAN WEBER:

16                   Could I have a motion for the approval of  
17                   the minutes from the last Board meeting  
18                   on the 16th of June?

19 DR. GREENBERG:

20                   I'll make a motion to approve those  
21                   minutes.

22 DR. PARIS:

23                   I'll second.

24 CHAIRMAN WEBER:

25                   All in favor?

1 [The motion carried unanimously.]

2 \*\*\*

3 Report of Prosecutors

4 [Christopher K. McNally, Esquire, Board Prosecution  
5 Liaison, presented the Consent Agreement for Case No.  
6 20-44-005833.]

7 \*\*\*

8 [Todd Kriner, Esquire, Board Counsel, reiterated the  
9 Board engaged in quasi-judicial deliberations during  
10 executive session on the matters listed on the Report  
11 of Board Counsel and Report of Prosecutorial  
12 Division.]

13 \*\*\*

14 [Christopher K. McNally, Esquire, Board Prosecution  
15 Liaison, presented the Consent Agreement for Case No.  
16 20-44-009463.]

17 \*\*\*

18 [Todd Kriner, Esquire, Board Counsel, asked whether  
19 Board members wished to go back into executive session  
20 for further discussion regarding the consent  
21 agreements.]

22 \*\*\*

23 [Pursuant to Section 708(a)(5) of the Sunshine Act, at  
24 11:12 a.m. the Board entered into executive session  
25 with Todd Kriner, Esquire, Board Counsel, for the

1 purpose of conducting quasi-judicial deliberations and  
2 to receive advice from counsel. The Board returned to  
3 open session at 11:15 a.m.]

4 \*\*\*

5 MOTIONS

6 MR. KRINER:

7 Is there a motion to adopt the Consent  
8 Agreement at Case No. 20-44-005833, where  
9 there were no recusals?

10 MS. HALUSZCZAK:

11 So moved.

12 DR. GREENBERG:

13 I second that motion.

14 CHAIRMAN WEBER:

15 All in favor?

16 [The motion carried unanimously. The Respondent's  
17 name at Case No. 20-44-005833 is Dawn Denise Rhodes,  
18 D.P.M.]

19 \*\*\*

20 MR. KRINER:

21 Is there a motion to approve the Consent  
22 Agreement at Case No. 20-44-009463?

23 DR. GREENBERG:

24 I make a motion to approve the agreement.

25 DR. PARIS:

1 I'll second.

2 CHAIRMAN WEBER:

3 All in favor?

4 [The motion carried unanimously. The Respondent's  
5 name at Case No. 20-44-009463 is Garrett Parker  
6 Peresko, D.P.M.]

7 \*\*\*

8 Report of Board/Regulatory Counsel

9 [Todd Kriner, Esquire, Board Counsel, provided an  
10 update of Board regulations currently being worked on  
11 and where they all stand.

12 Mr. Kriner informed Board members that counsel is  
13 currently drafting the rulemaking packages for 16A-448  
14 regarding sexual misconduct, 16A-4411 regarding the  
15 volunteer license, and 16A-4412 regarding child abuse  
16 reporting.

17 Mr. Kriner is drafting the rulemaking package for  
18 16A-449 regarding acupuncture, noting he has the  
19 majority of that finished and will be sending that to  
20 Regulatory Counsel for review.

21 Mr. Kriner addressed 16A-4417 regarding  
22 continuing education, noting the final rulemaking  
23 package had been sent to Regulatory Counsel for  
24 review. He stated the regulation was due as final in  
25 the spring of 2022 and could be pushed forward once

1 all of the edits and everything was approved by  
2 Regulatory Counsel.

3 Mr. Kriner noted 16A-4418 regarding prescribing  
4 is also in front of Regulatory Counsel for review.

5 Mr. Kriner stated counsel is drafting the  
6 rulemaking package for 16A-44XX, Achieving Better Care  
7 by Monitoring All Prescriptions Program (ABC-MAP)  
8 opioid education and 16A-44XX regarding the safe  
9 opioid prescribing curriculum.

10 Mr. Kriner addressed 16A-4419 regarding licensure  
11 by endorsement and qualifications for licensure. He  
12 mentioned that the Board decided to combine the  
13 licensure by endorsement and qualifications for  
14 licensure and is currently drafting that rulemaking  
15 package.

16 Mr. Kriner stated that everybody has seen the  
17 separate annexes and preamble for licensure by  
18 endorsement and the qualifications for licensure and  
19 will get that in front of the Board most likely at the  
20 December meeting, so they can see what the combined  
21 rulemaking and annex would look like for a vote and  
22 approval.

23 Dr. Paris requested more information concerning  
24 the steps needed before 16A-4417 regarding continuing  
25 education becomes an official regulation.



1 Mr. Kriner explained that other areas need to  
2 review it after the final regulation is approved and  
3 will provide those answers as to exactly what the next  
4 step is after approval from Regulatory Counsel.

5 Dr. Greenberg asked whether the continuing  
6 education regulation is out of the Board's hands as  
7 far as the legislative process after the spring  
8 meeting.

9 Mr. Kriner stated that the Board has approved the  
10 final regulatory package and no more votes should be  
11 needed by the Board unless there are comments and  
12 other things that need to be done.

13 Chairman Weber asked Mr. Kriner whether he  
14 anticipates any changes to the requirements for  
15 doctors of medicine (MDs), doctors of osteopathic  
16 medicine (DOs), or podiatrists as far as credits for  
17 child abuse and opioid prescription issues.

18 Mr. Kriner stated that he does not anticipate nor  
19 has he heard anything as far as making changes to the  
20 number of credits.]

21 \*\*\*

22 Report of Commissioner

23 [K. Kalonji Johnson, Commissioner, Bureau of  
24 Professional and Occupational Affairs, reiterated that  
25 the waivers extended through March 31, 2022, do

1 provide for the continued use of the virtual platform  
2 for all boards and commissions, including the Board of  
3 Podiatry. He noted virtual meetings only will be  
4 conducted through the end of March unless further  
5 instructed otherwise.

6 Commissioner Johnson addressed physical travel  
7 and recent amendments to the Sunshine Act, where no  
8 physical travel or virtual travel can be approved  
9 administratively unless there had been a formal vote  
10 at a public meeting. He recommended advising Ms. Wray  
11 or Mr. Kriner well in advanced of any regional or  
12 national conferences.

13 Commissioner Johnson mentioned that the  
14 preference would be for virtual participation as a  
15 matter of public health and safety and encouraged  
16 those who would like to travel physically to provide  
17 enough time due to staffing shortages. He also noted  
18 there is a new portal for Commonwealth of Pennsylvania  
19 employees.]

20 \*\*\*

21 Report of Board Chair

22 [Robert B. Weber, D.P.M., J.D., M.B.A., Chairman,  
23 commented that the Board is sorry to see Ms.  
24 Haluszczak leave after this Board meeting because she  
25 is a vital part of the Board.

1 Chairman Weber welcomed Dr. William Fetchik to  
2 the Board and is looking forward to meeting him in  
3 person.]

4

\*\*\*

5 Continuing Education Program Approval

6 [Nichole Wray, Board Administrator, noted no issues or  
7 concerns with the continuing education program.]

8 MS. WRAY:

9 Would the Board like to approve the  
10 Application for the Continuing Education  
11 Program for Jefferson Health Northeast  
12 Podiatry Grand Rounds that was held on  
13 August 26, 2021?

14 DR. PARIS:

15 I'll make that motion to approve.

16 DR. GREENBERG:

17 I'll second that motion.

18 CHAIRMAN WEBER:

19 All in favor?

20 [The motion carried unanimously.]

21

\*\*\*

22 For the Board's Information/Discussion - Board Meeting  
23 Dates

24 [Nichole Wray, Board Administrator, noted upcoming  
25 Board meeting dates.]

1 \*\*\*

2 Report of Board Administrator

3 [Nichole Wray, Board Administrator, proposed a  
4 suggestion for the next meeting, where she would  
5 generate a list of the current Board committees as a  
6 reminder to the Board members and to elect to either  
7 keep them as they are or make any substitutions based  
8 on the current complement.

9 Ms. Wray noted no current issues with who is on  
10 the committees and is looking at it more of an annual  
11 review to make sure everybody is good with the way  
12 things stand.

13 Ms. Wray noted the proposed 2023 Board meeting  
14 dates for consideration and approval at the next  
15 meeting. She requested Board members contact her with  
16 any questions or concerns.

17 Ms. Haluszczak mentioned that she is the only one  
18 on the Probable Cause Screening Committee and  
19 recommended choosing somebody to replace her at the  
20 meeting because there would be a gap until December.

21 Chairman Weber suggested Dr. Paris contact Dr.  
22 McCaughan to see if she would be interested in taking  
23 that position, whether temporarily or on a permanent  
24 basis.]

25 DR. GREENBERG:

1 I nominate Dia McCaughan to serve as the  
2 probable cause appointee from the Board.

3 CHAIRMAN WEBER:

4 Thank you. Could I have a second on  
5 that?

6 DR. PARIS:

7 I'll second.

8 CHAIRMAN WEBER:

9 All in favor?

10 [The motion carried unanimously.]

11 \*\*\*

12 DR. GREENBERG:

13 I nominate Dr. Paris as an alternate for  
14 Dia McCaughan if she is unavailable to do  
15 probable cause review or has a conflict  
16 with probable cause review.

17 CHAIRMAN WEBER:

18 Second, please? Melissa could you  
19 second?

20 MS. HALUSZCZAK:

21 I second that.

22 CHAIRMAN WEBER:

23 All in favor?

24 [The motion carried unanimously.]

25 \*\*\*

1 For the Board's Information/Discussion - Old/New  
2 Business

3 [Nichole Wray, Board Administrator, addressed online  
4 continuing education for 2022 renewal and whether or  
5 not the typical 10-hour limit was going to be an  
6 issue. She clarified for Board members and the public  
7 that it is not an issue due to the way the waivers  
8 were written.

9 Ms. Wray stated that everyone is good to take up  
10 to 100 percent of their continuing education online up  
11 to and through their 2022 renewal, after which it will  
12 revert back to the normal 10 unless there would be any  
13 changes with the regulations in the meantime. She  
14 noted recent updates to the osteopathic medicine and  
15 podiatry websites outlining that as well.

16 Dr. Paris addressed podiatric assistants  
17 regarding X-ray certification/radiologic procedures.  
18 Dr. Paris noted Dr. McCaughan basically reaffirmed  
19 prior Board discussion. He mentioned that Dr.  
20 McCaughan has an assistant who needed to get certified  
21 to take X-rays, and her only avenue was through the  
22 American Society of Podiatric Medical Assistants  
23 (ASPMA); but in order for her assistant to get  
24 certified through the ASPMA, Dr. McCaughan had to be a  
25 member in good standing of the American Podiatric

1 Medical Association (APMA) and the Pennsylvania  
2 Podiatric Medical Association (PPMA).

3 Dr. Paris mentioned prior Board discussion, where  
4 between 40 and 45 percent of podiatrists are not  
5 members of the APMA or PPMA and questionable as to how  
6 to get their assistants certified. He referred to the  
7 excerpt Ms. Wray provided from the Pennsylvania Code  
8 for Podiatry, where it spelled out that the assistant  
9 would have to pass an examination in radiology  
10 conducted by the ASPMA or the American Registry of  
11 Radiologic Technologists.

12 Dr. Paris referred to another section in there,  
13 where an option would be that the person has passed an  
14 examination approved and administered by the Board.  
15 He recommended clarification from the Board because  
16 and referred to § 29.82 auxiliary personnel performing  
17 radiologic procedures and § 29.83 examinations, where  
18 it describes what the examination entails and  
19 discusses applications for examination sent to the  
20 Board.

21 Dr. Paris asked whether other entities or  
22 individuals could send applications to the Board to  
23 get their test approved by the Board so they can then  
24 administer to people for their X-ray certification.

25 Mr. Kriner commented that he would take a closer

1 look at the regulation to see if they can just send  
2 their applications to the Board. He mentioned a bill  
3 now in the pipeline that may answer all of those  
4 questions.

5 Dr. Paris noted discussion of § 29.82 and  
6 referred to § 29.83, where a new regulation or any  
7 kind of addition or deletion may not be needed and may  
8 be there already.

9 Mr. Kriner mentioned that prior discussion was  
10 concerning who the group is, what does the group do,  
11 and whether they are looking at the right group as far  
12 as approving the radiologists, which ultimately led to  
13 the Department of Environmental Protection (DEP).

14 Ms. Wray commented that they are two separate  
15 things when it comes to the Department of State and  
16 what the Board requires versus what DEP may require.  
17 She referred to communication received clarifying that  
18 they do not currently certify or license technicians  
19 or assistants when it comes to radiology, but they do  
20 require certain certifications in order operate the  
21 equipment that is registered and is a separate  
22 component that would be outside of the Board's  
23 jurisdiction.

24 Ms. Wray noted awaiting communication and  
25 additional verification from DEP to clarify that



1 secondary part. She noted it is not really within the  
2 Board's jurisdiction but the information would be  
3 helpful to get a better understanding of how that  
4 works on their side.

5 Chairman Weber commented that he requires his  
6 assistants to be recertified every year and show an X  
7 amount of credits. He asked whether Mr. Kriner could  
8 provide a direct answer as far as how many years the  
9 certification lasts and what is required for  
10 recertification.

11 Mr. Kriner will research the certification and  
12 provide information to the Board.

13 Ms. Wray noted the election of officers for 2022  
14 will be tabled until the December meeting in the  
15 absence of a current Board member.]

16

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17 [Dr. Paris welcomed Dr. Fetchik to the Board and  
18 thanked him for volunteering his service to the  
19 profession of podiatry and the citizens of  
20 Pennsylvania.]

21

\*\*\*

22 Adjournment

23 CHAIRMAN WEBER:

24 Could I have a motion for adjournment?

25 DR. GREENBERG:

1 Motion for adjournment

2 MS. HALUSZCZAK:

3 I'll second.

4 CHAIRMAN WEBER:

5 All in favor?

6 [The motion carried unanimously.]

7 \*\*\*

8 [There being no further business, the State Board of  
9 Podiatry Meeting adjourned at 11:50 a.m.]

10 \*\*\*

11

12 CERTIFICATE

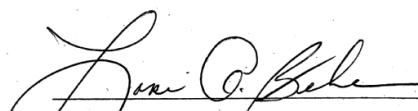
13

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

19

20

21



22

Lori A. Behe,

23

Minute Clerk

24

Sargent's Court Reporting

25

Service, Inc.

26

STATE BOARD OF PODIATRY  
REFERENCE INDEX

October 20, 2021

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10	10:30	Return to Open Session
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12	10:46	Official Call to Order
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14	10:46	Roll Call/Introduction of Attendees
15		
16	10:47	Approval of Minutes
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18	10:48	Report of Prosecutors
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20	11:12	Executive Session
21	11:15	Return to Open Session
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23	11:16	Motions
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25	11:18	Report of Board/Regulatory Counsel
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27	11:25	Report of Commissioner
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38	11:33	For the Board's Information/Discussion
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41	11:50	Adjournment
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