

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

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**

TIME: 10:31 A.M.

Held at

**PENNSYLVANIA DEPARTMENT OF STATE**

2601 North Street

One Penn Center, Board Room C

Harrisburg, Pennsylvania 17110

as well as

**VIA MICROSOFT TEAMS**

Wednesday, December 21, 2022

1                                    State Board of Podiatry  
2                                    December 21, 2022

3  
4 BOARD MEMBERS:  
5

6 Arion R. Claggett, Acting Commissioner, Bureau of  
7 Professional and Occupational Affairs  
8 Michael J. Paris, D.P.M., M.B.A., Chairman  
9 Robert B. Weber, D.P.M., J.D., M.B.A., Vice  
10 Chairman  
11 Dia D. McCaughan, D.P.M., Secretary  
12 Eric B. Greenberg, D.P.M., J.D. - Absent  
13 William D. Fetchik, D.O. - Absent  
14  
15

16 BUREAU PERSONNEL:  
17

18 Carole Clarke Smith, Esquire, Board Counsel  
19 Carolyn DeLaurentis, Deputy Chief Counsel,  
20 Prosecution  
21 Division  
22 Todd P. Kriner, Esquire, Board Counsel  
23 Timothy J. Henderson, Esquire, Board Prosecution  
24 Liaison  
25 Paul J. Jarabeck, Esquire, Senior Board Prosecutor  
26 Nichole Wray, Board Administrator  
27 Priscilla Turek, Clerical Supervisor 2, Department of  
28 State  
29 Marc Farrell, Acting Policy Director, Department of  
30 State  
31 Andrew LaFratte, MPA, Executive Policy Specialist,  
32 Department of State  
33 Amanda Richards, Fiscal Chief, Bureau of Finance and  
34 Operations, Department of State  
35 Michelle Witmer, Fiscal Management Specialist 1,  
36 Bureau of Finance and Operations, Department of  
37 State  
38 Jennifer Gage, Fiscal Management Specialist,  
39 Department of State  
40 Tamie Laudenslager, Fiscal Specialist, Bureau of  
41 Finance and Operations, Department of State  
42  
43

44 ALSO PRESENT:  
45

46 Jennifer Smeltz, Republican Executive Director,  
47 Senate  
48 Consumer Protection & Professional Licensure  
49 Committee  
50 Amber Garbinski

1 \*\*\*

2 State Board of Podiatry

3 December 21, 2022

4 \*\*\*

5 [Pursuant to Section 708(a)(5) of the Sunshine Act,  
6 at  
7 9:30 a.m. the Board entered into Executive Session  
8 with Todd P. Kriner, Esquire, Board Counsel, for the  
9 purpose of conducting quasi-judicial deliberations  
10 and to have attorney-client consultation. The Board  
11 returned to open session at 10:30 a.m.]

12 \*\*\*

13 The regularly scheduled meeting of the State  
14 Board of Podiatry was held on Wednesday, December 21,  
15 2022. Michael J. Paris, D.P.M., M.B.A., Chairman,  
16 called the meeting to order at 10:31 a.m.

17 \*\*\*

18 Roll Call/Introduction of Attendees

19 [Nichole Wray, Board Administrator, provided an  
20 introduction of the Board members, staff, and  
21 audience in attendance.

22 Ms. Wray also reminded everyone that the meeting  
23 was being recorded, and voluntary participation  
24 constituted consent to be recorded.]

25 \*\*\*

1 Approval of minutes of the October 19, 2022 meeting

2 CHAIRMAN PARIS:

3                   Could we get a motion to approve the  
4                   minutes from the October 19 meeting?

5 DR. MCCAUGHAN:

6                   I'll make that motion.

7 DR. WEBER:

8                   I'll second it.

9 CHAIRMAN PARIS:

10                   Roll call vote.

11

12                   Mr. Claggett, aye; Dr. Paris, aye; Dr.  
13                   Weber, aye; Dr. McCaughan, aye.

14 [The motion carried unanimously.]

15   \*\*\*

16 Appointment - Bureau of Finance and Operations

17       Annual Budget Presentation

18 [Amanda Richards, Chief of Fiscal Management, Bureau  
19 of Finance and Operations, Department of State,  
20 referred to licensee population over the past seven  
21 years, noting the Board had 1,461 licensees in FY21-  
22 22 and 1,549 licenses as of the time of the report.  
23 She reported an increase of 88 licenses.

24       Ms. Richards addressed license class. She stated  
25 the Board is currently in the middle of a renewal

1 year. She noted prior discussion concerning a fee  
2 increase but informed Board members that the fee  
3 increase is no longer necessary because of the  
4 substantial growth in licensees.

5 Ms. Richards addressed revenue, noting it is  
6 reviewed on a biennial basis. She reported revenue  
7 for FY20-21 at \$581,000 and revenue for FY21-22 of  
8 about \$27,000 for a biennial total of \$608,430.89.  
9 She noted 96 percent of revenue comes from renewals  
10 and applications. She stated that revenue is  
11 received from other categories but is not consistent.

12 Ms. Richards noted the two main categories when  
13 reviewing expenses are administrative and legal  
14 costs. She stated that expenses are brought in  
15 through direct charges, timesheet-based charges, and  
16 licensee population. She referred to expenses in  
17 FY20-21 at about \$355,000, FY21-22 about \$309,000,  
18 and \$100,414.87 at the time of the report. She noted  
19 the budgeted amount for FY22-23 of \$312,000 is more  
20 than adequate for this fiscal year.

21 Ms. Richards addressed revenue and expenses  
22 showing a projected balance in FY22-23 to be about  
23 \$2.1 million and showing substantial growth in  
24 revenue through FY25-26 at \$1.9 million.]

25

\*\*\*

1 [Todd P. Kriner, Esquire, Board Counsel, noted the  
2 Board engaged in quasi-judicial deliberations during  
3 Executive Session on matters listed on the agenda.]

4 \*\*\*

5 Report of Prosecutors

6 [Timothy J. Henderson, Esquire, Board Prosecution  
7 Liaison, presented the Consent Agreements for Case  
8 No. 21-44-010334 and Case No. 21-44-017790.]

9 MR. KRINER:

10 The Chairman would entertain a motion on  
11 number 4 to accept that Consent Agreement  
12 at Case No. 21-44-010334.

13 DR. MCCAUGHAN:

14 I'll make that motion.

15 DR. WEBER:

16 I second.

17 CHAIRMAN PARIS:

18 Roll call vote.

19

20 Mr. Claggett, aye; Dr. Paris, aye; Dr.  
21 Weber, aye; Dr. McCaughan, aye.

22 [The motion carried unanimously. The Respondent's  
23 name is Aisha S. Chaudhry, D.P.M.]

24 \*\*\*

25 MR. KRINER:

1 Moving on to number 5. It is my  
2 understanding that the Chairman would  
3 entertain a motion to reject the Consent  
4 Agreement at Case No. 21-44-017790 as  
5 being too lenient.

6 DR. MCCAUGHAN:

7 I make a motion.

8 DR. WEBER:

9 Second.

10 MS. WRAY:

11 Mr. Claggett, aye; Dr. Paris, aye; Dr.  
12 Weber, aye; Dr. McCaughan, aye.

13 [The motion carried unanimously.]

14 \*\*\*

15 Report of Board Counsel - Other

16 [Todd P. Kriner, Esquire, Board Counsel, provided an  
17 update regarding Lawrence Kansky's appeal. He stated  
18 the Board filed a brief in response on December 5,  
19 2022, and is now in the Commonwealth Court's hands to  
20 decide the matter.

21 Mr. Kriner referred to 16A-66 regarding the Act  
22 53 regulation for the Board's review. He noted the  
23 proposed rulemaking was published in the Pennsylvania  
24 Bulletin the first week of November and is still in  
25 the comment period. He informed Board members that

1 any comments received would be reviewed and then  
2 begin drafting the final-form regulation in 2023. He  
3 noted the radiographic assistant's preamble and annex  
4 for would be on the February agenda for the Board's  
5 review.

6 Mr. Kriner addressed questions raised at the last  
7 meeting concerning the disability placard. He  
8 informed Board members that PennDOT's website states  
9 that a health care provider can fill out the form and  
10 podiatrists are included under the definition of  
11 health care provider.

12 Mr. Kriner informed Board members that he  
13 contacted Matt Eaton, who is Acting Commissioner  
14 Claggett's designee for the Medical Marijuana  
15 Advisory Board, regarding another question concerning  
16 podiatrist and the medical cannabis program. He  
17 stated the Medical Marijuana Advisory Board met on  
18 September 22 and that he was advised that they would  
19 be discussing this at their next regulatory  
20 subcommittee meeting and would keep the Board  
21 updated.

22 Chairman Paris asked whether the carryover of  
23 continuing medical education is (CME) tied into one  
24 of the regulations currently going through the  
25 process.



1 Mr. Kriner explained that the CME would be put in  
2 with another regulation package and would go along  
3 with the list of therapeutic drugs. He mentioned  
4 that the list of therapeutic drugs would be available  
5 next time for the Board's review and would be a part  
6 of the prescribing opioid package as well. He noted  
7 the package up until the potential addition of the  
8 therapeutic drugs has not been controversial and  
9 would have moved through pretty quick.

10 Mr. Kriner stated there was potential kickback  
11 with the addition of the therapeutic drugs, but Dr.  
12 McCaughan did some amazing work and believed they  
13 would be able to address any concerns. He informed  
14 Board members that the package could be readdressed  
15 to make sure what the Board wants prioritized gets  
16 through and passes.]

17 \*\*\*

18 Report of Regulatory Counsel - No Report

19 \*\*\*

20 Report of Board Chair

21 [Michael J. Paris, D.P.M., M.B.A., Chairman, noted  
22 prior Board discussion concerning malpractice and  
23 insurance companies allowed to provide service in  
24 Pennsylvania. He mentioned Dr. Greenberg brought up  
25 the term companies that are admitted into

1 Pennsylvania at a previous meeting. He noted  
2 visiting the Pennsylvania Insurance Department's  
3 website showing a list of insurance companies  
4 licensed in Pennsylvania.

5 Chairman Paris stated there are hundreds of  
6 companies listed and would be a lot for a new  
7 podiatrist in Pennsylvania looking through the list.

8 He suggested having someone from the Pennsylvania  
9 Insurance Department provide a brief presentation  
10 explaining where a podiatrist in Pennsylvania would  
11 go to know who could actually offer malpractice  
12 insurance and the difference between admitted and  
13 licensed.

14 Chairman Paris referred to Dr. Greenberg  
15 previously bringing up the Joint Underwriting  
16 Association (JUA) of Pennsylvania. He noted that it  
17 was established in accordance with the Medical Care  
18 Availability and Reduction of Error (MCARE) Act many  
19 years ago and suggested having a brief presentation  
20 to touch on that and have on record what a  
21 Pennsylvania podiatrist needs to do to secure  
22 malpractice insurance.

23 Acting Commissioner Claggett offered to work with  
24 the Pennsylvania Insurance Department to have someone  
25 do a presentation.

1 Dr. Weber also suggested having the information  
2 in an email blast or newsletter.

3 Ms. Wray commented that it would be worthwhile to  
4 provide the information after the presentation to  
5 anyone unable to attend.

6 Chairman Paris noted the importance of keeping  
7 the information current and believed an email blast  
8 would be better than a newsletter because the  
9 information becomes irrelevant due to the time it  
10 takes for approval of the newsletter articles.

11 Acting Commissioner Claggett commented that he  
12 and Mr. Kriner would be approving the newsletter and  
13 are committed to turn that around as soon as  
14 possible.

15 Dr. Weber commented that the Board has compassion  
16 for practitioners whether or not they are members of  
17 the American Podiatric Medical Association (APMA) or  
18 not. He noted the importance of taking care of young  
19 podiatrists, where younger individuals are sometimes  
20 placed into an insurance policy accepted by the state  
21 but does not have the liability to hire the best  
22 administrators and attorneys to represent them.]

23

\*\*\*

24 Report of Acting Commissioner - No Report

25

\*\*\*

1 Report of Board Administrator

2 [Nichole Wray, Board Administrator, reminded  
3 everybody the license renewal is open until December  
4 31 and encouraged everyone to complete child abuse  
5 and CME requirements because there is no grace  
6 period. She noted the child abuse and any CME must  
7 be completed between January 1, 2021 and December 31,  
8 2022. She addressed the Department of Health Survey.

9 Ms. Wray welcomed anyone who had any questions to  
10 call or email the Board at [st-podiatry@pa.gov](mailto:st-podiatry@pa.gov) or  
11 submit a ticket directly through their Pennsylvania  
12 Licensing System (PALS) account.

13 Acting Commissioner Claggett commented that he is  
14 working with the Department of Health to reduce the  
15 number of questions in the survey.

16 Dr. Weber addressed podiatrists who are retiring  
17 and requested information concerning what the Board  
18 should be advising people who are retiring and  
19 considering giving up their license.

20 Ms. Wray discussed license status options,  
21 including active or active-retired status each of  
22 which require some form of CE, or inactive and  
23 expired status.

24 Ms. Wray addressed the renewal process, including  
25 a 60-day window with an email notice and instructions

1 and a 30-day and 15-day reminder. She reported  
2 renewals are around 75-76 percent.

3 Chairman Paris commented that hospitals, surgery  
4 centers, and nursing homes ask for proof of renewal  
5 sometimes a month or two before they renew their  
6 licenses.]

7 \*\*\*

8 For the Board's Information/Discussion - Old  
9 Business/New Business - Approval of Proposed 2024  
10 Board Meeting Dates

11 [Nichole Wray, Board Administrator, informed Board  
12 members that many of the dates are not on a Wednesday  
13 because the dates were already taken.

14 Ms. Wray offered to provide proposed 2025 meeting  
15 dates in February for the Board's review.]

16 CHAIRMAN PARIS:

17 We need a motion to approve the 2024  
18 dates.

19 DR. MCCAUGHAN:

20 I make a motion to approve.

21 DR. WEBER:

22 Second.

23 CHAIRMAN PARIS:

24 Roll call vote.

25

1 Mr. Claggett, aye; Dr. Paris, aye; Dr.  
2 Weber, aye; Dr. McCaughan, aye.

3 [The motion carried unanimously.]

4 \*\*\*

5 For the Board's Information/Discussion - Old  
6 Business/New Business

7 [Michael J. Paris, D.P.M., M.B.A., Chairman, noted  
8 the Board decided to table the elections and reviews  
9 for officers and committee members until the next  
10 meeting since they are down two Board members today.

11 He stated everyone currently on committees and  
12 current officers would remain until the next  
13 elections take place.]

14 \*\*\*

15 Miscellaneous

16 [Michael J. Paris, D.P.M., M.B.A., Chairman, extended  
17 best wishes and prayers to Dr. Fetchik. He noted Dr.  
18 Fetchik is a true asset and is grateful that he is a  
19 member of the Board.]

20 \*\*\*

21 Adjournment

22 CHAIRMAN PARIS:

23 Can we get a motion for adjournment?

24 DR. MCCAUGHAN:

25 I'll make a motion to adjourn.

1 DR. WEBER:

2 Second.

3 CHAIRMAN PARIS:

4 Thanks everybody.

5 \*\*\*

6 [There being no further business, the State Board of  
7 Podiatry Meeting adjourned at 11:16 a.m.]

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  
16 of the State Board of Podiatry meeting.

17

18

19



20

Amber Garbinski,

21

Minute Clerk

22

Sargent's Court Reporting

23

Service, Inc.

24

25

26

STATE BOARD OF PODIATRY  
REFERENCE INDEX

December 21, 2022

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50

TIME	AGENDA
9:30	Executive Session
10:30	Return to Open Session
10:31	Official Call to Order
10:31	Roll Call/Introduction of Attendees
10:32	Approval of Minutes
10:33	Appointment - Bureau of Finance and Operations Annual Budget Presentation
10:41	Report of Prosecutors
10:48	Report of Board Counsel
10:56	Report of Board Chair
11:04	Report of Board Administrator
11:11	For the Board's Information/Discussion
11:16	Miscellaneous
11:16	Adjournment