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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 MICROSOFT TEAMS**

TIME: 10:30 A.M.

PENNSYLVANIA DEPARTMENT OF STATE  
2601 North Third Street  
One Penn Center, Board Room C  
Harrisburg, Pennsylvania 17110

Wednesday, April 20, 2022



1 \*\*\*

2 State Board of Podiatry

3 April 20, 2022

4 \*\*\*

5 [Pursuant to Section 708(a)(5) of the Sunshine Act, at  
6 10:00 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 of Prosecutorial Division. The Board returned  
11 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, April 20,  
15 2022. Michael J. Paris, D.P.M., M.B.A., Chairman,  
16 called the meeting to order at 10:30 a.m.

17 \*\*\*

18 Roll Call/Introduction of Attendees

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

22 \*\*\*

23 [Nichole Wray, Board Administrator, reminded everyone  
24 the meeting was being recorded, and voluntary  
25 participation constitutes consent to be recorded.]

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1  
2 Appointment - Prosecution Division Annual Report  
3 Presentation

4 [Heather J. McCarthy, Senior Board Prosecutor, on  
5 behalf of Carolyn A. DeLaurentis, Esquire, Deputy  
6 Chief Counsel, Prosecution Division, provided a  
7 summary of the prosecution division's caseload during  
8 2021.

9 Ms. McCarthy informed the Board that 94 files  
10 were opened in 2021 and 74 files closed, which is an  
11 increase from 2020 at 59 files opened and 58 files  
12 closed for the State Board of Podiatry. She noted 86  
13 files remained open for the Board as of January 1,  
14 2022.

15 Ms. McCarthy discussed enforcement actions and  
16 thanked prosecution, counsel, and the Board for their  
17 collaboration. She noted 8 cases in 2021 resulted in  
18 discipline with 6 fines, 2 suspensions, 1 public  
19 reprimand, 1 surrender or revocation, and 1 probation.  
20 She also reported 13 warning letters in 2021.

21 Ms. McCarthy informed the Board that an annual  
22 report is given to the General Assembly summarizing  
23 the complaint categories and would provide that to the  
24 prosecution liaison for the next meeting.

25 Ms. McCarthy reported 543 COVID-19 cases in 2021

1 with only 2 podiatry cases. She reported 1,223 cases  
2 were opened regarding COVID complaints in 2020 with 8  
3 of those cases for the State Board of Podiatry.

4 Ms. McCarthy addressed the prosecutorial division  
5 numbers as a whole, noting 18,363 cases were opened in  
6 2021, which is an increase from 2020 at 13,394. She  
7 reported 15,994 cases were closed in 2021 and 13,274  
8 in 2020. She noted 15,141 open cases as of January 1,  
9 2022, noting the total case count does not include  
10 charities, corporations, or the Pennsylvania State  
11 Athletic Commission.

12 Chairman Paris thanked Ms. McCarthy for the  
13 presentation.]

14 \*\*\*

15 Approval of minutes of the February 16, 2022 meeting  
16 CHAIRMAN PARIS:

17 Approval of minutes from the February 16  
18 meeting. Does anyone have anything to  
19 discuss regarding the minutes?

20 If not, if we could get a motion for  
21 approval of the minutes?

22 DR. GREENBERG:

23 I make a motion that we accept the  
24 recorded minutes for the last meeting.

25 DR. FETCHIK:

1 I'll second the motion.

2 CHAIRMAN PARIS:

3 Roll call vote.

4

5 Dr. Paris, aye; Dr. McCaughan, aye; Dr.  
6 Greenberg, aye; Dr. Fetchik, aye.

7 [The motion carried unanimously.]

8

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9 [Todd Kriner, Esquire, Board Counsel, noted the Board  
10 met in Executive Session to engage in quasi-judicial  
11 deliberations on the matters listed on the Report of  
12 Board Counsel and Report of Prosecutorial Division.]

13

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14 Report of Prosecutors

15 [Nichole Wray, Board Administrator, informed Board  
16 members that item 4 has been tabled until the June  
17 meeting.]

18

\*\*\*

19 Report of Board Counsel

20 [Todd Kriner, Esquire, Board Counsel, advised the  
21 Board there was no Board Counsel Report and would move  
22 into the Report of Regulatory Counsel.

23

\*\*\*

24 Report of Regulatory Counsel - Regulatory Status  
25 Report

1 [Todd Kriner, Esquire, Board Counsel, noted 16A-449  
2 regarding acupuncture was under review by regulatory  
3 counsel.

4 Mr. Kriner provided an update for 16A-4417  
5 regarding continuing education, noting it was to be  
6 delivered to the Independent Regulatory Review  
7 Commission (IRRC) for approval and then for  
8 publication if IRRC approves.

9 Mr. Kriner informed Board members that regulatory  
10 counsel was reviewing the proposed rulemaking for 16A-  
11 4419 regarding licensure by endorsement and  
12 qualifications for licensure.

13 Mr. Kriner referred to 16A-4418 regarding  
14 administration and prescription of drugs. He stated  
15 the regulation would establish guidelines for  
16 podiatrists and would incorporate the statutory  
17 requirements related to the prescription drug  
18 monitoring database. He asked whether the Board  
19 wanted to move forward with the regulation.

20 Dr. Fetchik asked whether any guidelines had been  
21 published that podiatrists are to follow concerning  
22 the initial history and physical examination prior to  
23 prescribing controlled substances.

24 Mr. Kriner offered to provide information at the  
25 next meeting after researching the issue.

1 Mr. Kriner referred to 16A-448 regarding sexual  
2 misconduct. He stated the proposed regulation would  
3 define and prohibit sexual behavior with patients and  
4 sexual exploitation and asked whether the Board  
5 desired to move forward with the regulation.

6 Ms. McCaughan referred to § 29.21 under conduct,  
7 where "the practitioner of podiatry shall conduct  
8 himself as a gentleman" noting it had no reference to  
9 female podiatrists.

10 Mr. Kriner offered to change the language to  
11 gender-neutral language, and Board members agreed.

12 Chairman Paris asked Dr. Fetchik for  
13 clarification concerning his question about history  
14 and physical guidelines.

15 Dr. Fetchik stated the papers specified that a  
16 history and physical needed to be completed prior to  
17 the prescribing of a controlled substance and wanted  
18 to know of any guidelines to be followed prior to  
19 prescribing. He noted that the history and physical  
20 examination also includes things possibly not related  
21 to the podiatrist.

22 Dr. Greenberg commented that the physical  
23 examination was a very vague definition, and there  
24 needed to be more certainty in that regulation as far  
25 as exactly what is required in the physical



1 examination for podiatrists to perform prior to  
2 prescribing those medications.

3 Mr. Kriner explained that it may be something as  
4 simple as adding a definition of physical examination  
5 to be more specific and would get back to the Board  
6 after further research.

7 Chairman Paris requested an update regarding the  
8 carryover of 10 excess continuing education credits  
9 into the next biennium because the regulation still  
10 does not reflect that change.

11 Mr. Kriner stated the requirement would have to  
12 be written into the regulations. He noted the Board  
13 first discussed the issue in December 2020, when the  
14 consensus from the Board was to carryover 20 percent  
15 or 10 credits. He explained that the carryover was  
16 not contemplated when the continuing education  
17 regulation was drafted.]

18 DR. GREENBERG:

19 I'll make a motion that we go forward to  
20 include a carryover of 10 continuing  
21 education credits into the following  
22 year.

23 DR. FETCHIK:

24 I'll second the motion.

25 CHAIRMAN PARIS:

1 [The Board discussed the motion.]

2 Roll call vote.

3

4 Dr. Paris, aye; Dr. McCaughan, aye; Dr.  
5 Greenberg, aye; Dr. Fetchik, aye.

6 [The motion carried unanimously.]

7

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8 [Michael J. Paris, D.P.M., Chairman, asked Mr. Kriner  
9 whether there had been any progress with the  
10 regulation concerning the language regarding a  
11 podiatric assistant's ability to take X-rays.

12 Mr. Kriner noted the regulation was moving  
13 forward but was still at the beginning stages.

14 Mr. Kriner addressed the definition of podiatry,  
15 noting prior Board discussion regarding the Board's  
16 desire to be called physicians. He suggested the  
17 Board draft a legislative initiative seeking an  
18 amendment to the Podiatry Practice Act to add the  
19 definition for the term podiatric physician as an  
20 individual licensed by the Board to practice podiatric  
21 medicine.]

22 DR. GREENBERG:

23 I make a motion that our Board counsel  
24 draft a letter of legislative initiative  
25 concerning the definition of podiatry.

1 DR. FETCHIK:

2 I second the motion.

3 CHAIRMAN PARIS:

4 Is there any other discussion regarding  
5 this motion? Roll call vote, please.

6

7 Dr. Paris, aye; Dr. McCaughan, aye; Dr.  
8 Greenberg, aye; Dr. Fetchik, aye.

9 [The motion carried unanimously.]

10 \*\*\*

11 Report of Board Chair - No Report

12 \*\*\*

13 Report of Acting Commissioner - No Report

14 \*\*\*

15 Report of Board Administrator

16 [Nichole Wray, Board Administrator, reminded Board  
17 members that the deadline to file the financial  
18 disclosure statements is May 1 and encouraged anyone  
19 who is having difficulties to reach out to her for  
20 assistance.]

21 \*\*\*

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

24 [Michael J. Paris, D.P.M., Chairman, noted 2022 and  
25 2023 Board meeting dates.]

1 \*\*\*

2 Adjournment

3 CHAIRMAN PARIS:

4 Motion to adjourn this meeting?

5 DR. GREENBERG:

6 I make a motion that we adjourn this  
7 meeting.

8 DR. FETCHIK:

9 I'll second the motion.

10 CHAIRMAN PARIS:

11 Roll call vote.

12

13 Dr. Paris, aye; Dr. McCaughan, aye; Dr.  
14 Greenberg, aye; Dr. Fetchik, aye.

15 [The motion carried unanimously.]

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17 [There being no further business, the State Board of  
18 Podiatry Meeting adjourned at 11:06 a.m.]

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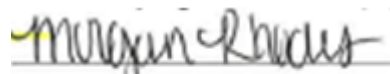
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CERTIFICATE

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



Morgan Rhodes,

Minute Clerk

Sargent's Court Reporting  
Service, Inc.

STATE BOARD OF PODIATRY  
REFERENCE INDEX

April 20, 2022

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TIME	AGENDA
10:00	Executive Session
10:30	Return to Open Session
10:30	Official Call to Order
10:31	Roll Call/Introduction of Attendees
10:35	Appointment - Heather J. McCarthy, Esquire, Senior Prosecutor, Prosecution Division, Annual Report Presentation
10:43	Approval of Minutes
10:45	Report of Regulatory Counsel
11:03	Report of Board Administrator
11:04	For the Board's Information/Discussion
11:06	Adjournment