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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 TELECONFERENCE**

TIME: 10:46 A.M.

Wednesday, April 21, 2021

State Board of Podiatry
April 21, 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 Haluszczyk, Public Member
Dia D. McCaughan, D.P.M.

BUREAU PERSONNEL:

Todd Kriner, Esquire, Board Counsel
Nicole Ehrhart, Esquire, Board Counsel
Christopher K. McNally, Esquire, Board Prosecution
Liaison
Nichole Wray, Board Administrator
Marc Farrell, Deputy Policy Director, Department of
State
Kimberly Adams, Chief of Fiscal Management, Bureau of
Finance and Operations, Department of State
Amanda Richards, Fiscal Management Specialist 2,
Bureau of Finance and Operations, Department of
State
Theodore Stauffer, Executive Secretary, Bureau of
Professional and Occupational Affairs

1 ***

2 State Board of Podiatry

3 April 21, 2021

4 ***

5 [Theodore Stauffer, Executive Secretary, Bureau of
6 Professional and Occupational Affairs, noted the
7 meeting was being recorded, and those who remained on
8 the line were giving their consent to be recorded.]

9 ***

10 [Pursuant to Section 708(a)(5) of the Sunshine Act, at
11 9:30 a.m. the Board entered into Executive Session
12 with Todd Kriner, Esquire, Board Counsel, for the
13 purpose of conducting quasi-judicial deliberations on
14 matters listed under the Report of Prosecutors and the
15 Report of Board Counsel. The Board returned to open
16 session at 10:30 a.m.]

17 ***

18 The regularly scheduled meeting of the State
19 Board of Podiatry was held on Wednesday, April 21,
20 2021. Robert B. Weber, D.P.M., J.D., M.B.A.,
21 Chairman, called the meeting to order at 10:46 a.m.

22 ***

23 Approval of minutes of the February 17, 2021 meeting
24 CHAIRMAN WEBER:

25 Do I have approval of our minutes from

1 February 17, 2021?

2 Could I have a motion, please?

3 DR. GREENBERG:

4 I motion that they be approved.

5 CHAIRMAN WEBER:

6 Second, please?

7 DR. PARIS:

8 I'll second.

9 CHAIRMAN WEBER:

10 All in favor? Any nays?

11 [The motion carried unanimously.]

12 ***

13 Appointment - Bureau of Finance and Operations Annual
14 Budget Presentation

15 [Kimberly Adams, Chief of Fiscal Management, Bureau of
16 Finance and Operations, Department of State, addressed
17 licensee population from a revenue standpoint. She
18 noted a licensee population of 1,617 in 2016 with a
19 decrease of 178 in 2018 to 1,439 and another decrease
20 of 54 at the time the chart was prepared to 1,385.
21 She noted the Board was down 232 licenses from 2016.
22 She reported a recent increase of 1 licensee.

23 Ms. Adams noted revenue by source. She reviewed
24 categories and actual revenue for FY 2018-2019, noting
25 the biennial total. She noted 98.5% of revenue is

1 from renewals and applications. She mentioned the
2 last fee increase was in 2002. She reported on the
3 current revenue, which is on target with what was seen
4 from the last renewal year.

5 Ms. Adams noted Board expenses are incurred by
6 timesheets, direct charges, or licensee-based cost.
7 She provided a categorical breakdown of expenses for
8 FY 2018-2019 and FY 2019-2020, as well as the current
9 budget for FY 2020-2021 and expenses as of April 7,
10 2021. She noted the current expenses recently
11 increased and the current expenses total. She stated
12 the current budget is adequate.

13 Ms. Adams reviewed revenues and expenses for FY
14 2020-2021 and reported on the balance. She reported
15 the \$2.1 million is decreasing a bit due to expenses
16 slightly exceeding the revenue from a drop in the
17 licensee count. She will continue to monitor the
18 matter and mentioned a possible fee increase if the
19 decrease continues.

20 Chairman Weber questioned whether the Commonwealth
21 of Pennsylvania was seeing a decline in MD, DO, or DPM
22 categories.

23 Commissioner Johnson explained that the department
24 only tracks licenses and not job data. He noted other
25 organizations would have that information. He stated

1 these surveys depend on participation from licensees
2 to provide information and become problematic without
3 all of the data points from the licensees.

4 Dr. Greenberg requested a breakdown of the legal
5 costs regarding prosecution and Board counsel for 2019
6 and 2020.

7 Commissioner Johnson explained that attorneys had
8 been hired to handle the increase in monitoring
9 supervision from Act 6 of 2018. He stated the Act
10 requires the department to actively monitor the
11 Pennsylvania Justice Network (JNET) Reports against
12 the database of licensees.

13 Commissioner Johnson noted the cost is shared
14 proportionately with other boards. He reported a huge
15 increase with Act 6. The Board will continue to see
16 those costs due to the work of prosecution with
17 respect to preliminary determinations regarding Act
18 53.

19 Dr. Greenberg requested a number specific to
20 podiatry regarding prosecution and not the issue of
21 sharing it across the boards equitably after comparing
22 2018 to 2019 actual expenses for prosecution and 2019
23 to 2020.

24 Ms. Adams reported contacting Ms. DeLaurentis
25 after the Bureau of Finance and Operations (BFO) also

1 noted the impact, where Ms. Adams was informed that
2 catchup prior to 2021 could be a part due to cases
3 opened in prior years being addressed and handled.

4 Ms. Adams reviewed Board member expenses, noting
5 expenses for FY 2018-2019 and FY 2019-2020 and the
6 current budget for FY 2020-2021. She reviewed the
7 current expenses, reporting on a recent increase. She
8 also noted an increase in the 2021-2022 Board budget.
9 She mentioned any excess money would remain in the
10 restricted account for the Board's use.

11 Commissioner Johnson addressed the misnomer that
12 the Board was spending exorbitant amounts of money on
13 travel. He commented that travel was halted due to
14 the pandemic, but the expenses envisioned as being the
15 big money items were not substantial costs.

16 Commissioner Johnson noted that budgets are a
17 function of the agency's operations in terms of
18 licensing individuals, as well as oversight and
19 discipline of licensees. Board logistics are a small
20 portion of that and speaks to the level of commitment
21 that Board members take on upon accepting these
22 positions.]

23 ***

24 Report of Prosecutors

25 [Christopher K. McNally, Esquire, Board Prosecution

1 Liaison, had nothing new to report but offered to
2 answer questions from Board members.]

3 ***

4 Report of Board Counsel

5 [Todd Kriner, Esquire, Board Counsel, noted the Board
6 engaged in quasi-judicial deliberations on matters
7 listed under the Report of Board Counsel during
8 Executive Session.

9 Mr. Kriner informed all of a scam involving
10 licensees, where scammers are using realistic-looking
11 documents reporting to be from the Board. He noted
12 scammers are claiming to be from the Bureau of
13 Enforcement and Investigation (BEI) and working with
14 the Federal Bureau of Investigation (FBI) and the Drug
15 Enforcement Administration (DEA).

16 Mr. Kriner stated scammers are appearing to be
17 from the Commonwealth of Pennsylvania with a Board
18 phone number and are known to threaten license
19 suspension for failure to provide personal
20 information. He provided reminders from the Bureau of
21 Professional and Occupational Affairs (BPOA)
22 concerning contact and personal information for
23 licensees.

24 Mr. Kriner mentioned that those who are the
25 subject of an investigation or disciplinary action

1 will receive notice by certified mail and/or personal
2 service and are provided with a contact name and phone
3 number. He informed everyone to contact their local
4 police department or the state police if they have
5 been a victim of the scam.]

6 ***

7 Report of Board Counsel - Discipline

8 MR. KRINER:

9 Moving on to the proposed Adjudication
10 and Order for William T. Ainsley, D.P.M.
11 at Case No. 20-44-011657.

12 Is there a motion to table that for
13 discussion in the June Board meeting?

14 DR. GREENBERG:

15 I'll make a motion to table it till the
16 June meeting.

17 CHAIRMAN WEBER:

18 Second?

19 DR. PARIS:

20 I'll second that motion.

21 CHAIRMAN WEBER:

22 All in favor? Any nays?

23 [The motion carried unanimously.]

24 ***

25 Report of Regulatory Counsel

1 [Todd Kriner, Esquire, Regulatory Counsel, referred to
2 the Proposed Annex for 16A-4419 regarding licensure by
3 endorsement, noting minor changes as far as language
4 after incorporating comments and feedback into the
5 proposed regulations.

6 Mr. Kriner referred to 16A-4415 regarding
7 qualifications for licensure. He informed the Board
8 that licensure by endorsement would be referencing
9 out-of-date information if approved first and
10 recommended incorporating them as one regulation
11 package so everything is brought up to date. He noted
12 the Board already voted on the Proposed Annex for 16A-
13 4415 for the qualifications.]

14 MR. KRINER:

15 I think we should be clear and have a
16 vote on approving the language in both
17 proposed annexes and then the vote to
18 consolidate those into one reg package.

19 CHAIRMAN WEBER:

20 I'd like to have a motion to accept the
21 recommendations of counsel.

22 DR. GREENBERG:

23 I motion to approve the recommendation of
24 counsel.

25 CHAIRMAN WEBER:

1 Second to approve it?

2 DR. MCCAUGHAN:

3 I'll second it.

4 CHAIRMAN WEBER:

5 All in favor? Any nays?

6 [The motion carried unanimously.]

7 ***

8 Report of Board Chair

9 [Robert B. Weber, D.P.M., J.D., M.B.A., Chairman,
10 noted missing everybody being in the same room and
11 working together in comradery to get things done. He
12 thanked the Board for allowing him to be in the
13 position of chair.

14 Dr. Greenberg addressed sending licensees
15 approved Board minutes that could be sent out in a
16 timely manner with up-to-date material. He mentioned
17 the need for discussion regarding how to finalize the
18 issue, but noted the Board has money to cover any
19 email for constant contacts.

20 Dr. Paris commented that it was a great idea as
21 far as transparency and making things easier for
22 licensees. He noted it would show licensees that the
23 Board is trying to stay engaged with them, stating
24 licensees would appreciate being able to just open an
25 email and click on a link instead of trying to hunt

1 down the most recent minutes.

2 Commissioner Johnson suggested utilizing social
3 media with Facebook and Twitter, noting the cost
4 associated with sending out email blasts. He
5 addressed the lag time between the meeting and minutes
6 being posted to the website.

7 Dr. Greenberg commented that an email blast is
8 not exorbitant and would be de minimis with a Board
9 balance of \$2 million. He stated taking two months
10 for the minutes to go out would be acceptable given
11 the fact that Dr. McCaughan wrote a newsletter five
12 months ago and was still awaiting draft approval. He
13 noted it would give licensees an opportunity to see
14 what the Board is discussing.

15 Dr. Greenberg commented that no one knows when
16 the meetings take place or think about going to the
17 meetings. He mentioned that having the minutes
18 available would be useful for the Board, noting many
19 colleagues do not use Twitter and Facebook. He stated
20 licensees will know what is being discussed and be
21 able to provide feedback. He noted being fully in
22 support of this and saw no strong reason why minutes
23 could not be sent out to the licensees after the
24 minutes are approved.

25 Dr. Paris suggested having both available and

1 mentioned the importance of not excluding licensees
2 who do not go on Facebook or use social media.

3 Commissioner Johnson suggested sending out a
4 schedule of the meetings with very explicit
5 instructions of how to login to the meetings,
6 questioning whether those not willing to do that from
7 the comfort of their home would put much effort into
8 going over old minutes of meetings that do not have
9 the full content.

10 Dr. Greenberg commented that very few people are
11 going to take 4 hours out of their day to attend a
12 streaming visit, stating that he would prefer looking
13 through the records to see if there was anything of
14 interest. He mentioned that the technology is
15 available to provide the minutes and alert people of
16 meetings. He noted only four meetings a year would
17 not be overwhelming as far as receiving emails.

18 Commissioner Johnson recommended piloting a
19 project to see if it works and then making
20 adjustments. He mentioned scheduling a blast email
21 following the meeting in order to experiment with
22 sending out another blast email preceding the next
23 meeting. This will give individuals an opportunity to
24 participate and would provide information as far as
25 the number of participants.

1 Dr. Greenberg noted accomplishing both options,
2 where people have the opportunity to participate in
3 the meeting or look at the approved minutes.

4 Commissioner Johnson mentioned that the
5 Department of State (DOS) has a Facebook presence and
6 sends out streams to announce renewals and various
7 calendar-related events that may impact licensees. He
8 noted adding to the email blast was a simple process
9 for those who use the platforms by just sending their
10 email address, where the social media accounts will
11 feed into their email address.

12 Dr. Paris expressed concern with podiatrists not
13 having an interest in 99% of announcements the
14 Department of State is putting out and may tune out
15 unless there was a specific Board of Podiatry
16 presence.

17 Chairman Weber commented that the Board is
18 basically 100% in favor of Dr. Greenberg's suggestion
19 and recommended putting out an email blast regarding
20 the minutes from this meeting and evaluate the
21 response afterward.

22 Dr. Paris mentioned the discussion in Executive
23 Session regarding malpractice insurance options for
24 licensees in Pennsylvania, noting basically only one
25 company and the need for a Board-approved list of

1 insurance companies.

2 Dr. Greenberg suggesting having the insurance
3 board or insurance commissioner provide a list of
4 podiatric medical malpractice insurers who are
5 admitted to Pennsylvania to sell policies in
6 Pennsylvania to ensure coverage for doctors and the
7 citizens of Pennsylvania if an insurance company goes
8 bankrupt.]

9 CHAIRMAN WEBER:

10 The vote is for the Department of
11 Insurance presenting data on the
12 companies that are recognized and
13 admitted in the commonwealth.

14 Could somebody make a motion to that
15 effect?

16 DR. PARIS:

17 I'll make that motion.

18 COMMISSIONER JOHNSON:

19 Second.

20 CHAIRMAN WEBER:

21 All in favor? Any nays?

22 [The motion carried unanimously.]

23 ***

24 [Dr. Greenberg addressed a letter requesting the
25 Governor's Office to consider adding the definition of

1 podiatry to recognize podiatrists as physicians, which
2 was introduced into Congress and Senate, questioning
3 who received the letter. He explained that physicians
4 could be cut off from the welfare patient community,
5 because podiatry is not recognized as physicians.

6 Mr. Farrell offered to check on the status of the
7 letter and with Sam Robinson. He commented that it
8 was a legislative issue and the Board was encouraged
9 to make a legislative push as individual licensees at
10 other meetings.

11 Commissioner Johnson explained that the
12 administration can speak to interests and priorities,
13 but the legislature is fully responsible and governs
14 the legislative process. He stated finding
15 sponsorship, noting the House or Senate, is crucial.

16 Commissioner Johnson addressed federal and state
17 legislation, noting federal legislation takes the
18 choice away from state legislation. He stated federal
19 law supersedes, and there has to be a recognition of
20 that federal designation, which is the best outcome
21 for the Board.

22 Commissioner Johnson mentioned that in the
23 absence of that federal designation and federal
24 standard, there is only state legislature, where
25 someone needs to take that initiative to issue co-

1 sponsorship to have language the Board can support or
2 speak to those concerns. He stated, at the present
3 time, the initiative had not materialized, and it was
4 difficult to establish the Board's position because
5 the legislature had not addressed the matter.

6 Commissioner Johnson noted there would be no
7 opposition to the legislation being enacted if the
8 Governor's Office is in support and emphasized the
9 importance of associations and stakeholders getting
10 involved.

11 Chairman Weber requested Commissioner Johnson
12 review and introduce a change regarding podiatrists
13 not being considered physicians for patients under 65
14 but considered physicians for those on Medicare and
15 Medicaid.

16 Commissioner Johnson stated the designation that
17 nonmedical assistance providers make versus private
18 insurers is the crux of the issue. He suggested
19 speaking with the Department of Insurance, which may
20 get more traction than cold lobbying legislators.

21 Commissioner Johnson recommended drafting a
22 letter to the insurance commissioner and the DHS
23 secretary when talking about medical assistance (MA)
24 providers because that goes through the Department of
25 Human Services (DHS).

1 Mr. Farrell advised the Board to contact DHS
2 Secretary Meg Snead.

3 Commissioner Johnson suggested expanding the
4 discussion with the Department of Insurance (DOI)
5 about current initiatives and the current state of
6 affairs for practitioners with regard to insurance.

7 Commissioner Johnson noted the first issue is
8 engaging legislature and educating them because of the
9 required number of sponsors for the legislation and
10 then figuring out the pathway for the bill as it moves
11 through the legislative process. He stated the
12 language has to be cogent, so the committee can assert
13 the proper authority over that language.

14 Commissioner Johnson mentioned the importance of
15 both chambers of the legislature being onboard and
16 where committee members do their part to create a
17 public record and espouse the benefits of the proposed
18 legislation and make it easier for their colleagues to
19 vote in it.

20 Commissioner Johnson commented that it would
21 likely be an amendment of an existing provision within
22 some of the insurance statutes and maybe some of the
23 acts relating to the Department of Human Services. He
24 requested Mr. Farrell speak with Victor Wills
25 regarding pathways through insurance or DHS and have

1 an internal discussion on how to approach Ms. Snead
2 with concerns.

3 Chairman Weber expressed the Board's appreciation
4 to Mr. Farrell and Commissioner Johnson for their
5 efforts, consideration, and compassion with this
6 endeavor.]

7 ***

8 Report of Commissioner - No report

9 ***

10 Report of Board Administrator

11 [Nichole Wray, Board Administrator, questioned whether
12 an official vote would be needed regarding the
13 discussion during Executive Session adjusting the
14 Continuing Medical Education (CME) Committee to three
15 members.

16 Dr. Paris mentioned the Board never voted on an
17 original committee.

18 Chairman Weber noted Dr. Paris is on the
19 committee as well as Dr. Greenberg as the alternative.

20 Chairman Weber requested an update from
21 Commissioner Johnson regarding in-person meetings.

22 Commissioner Johnson informed the Board that no
23 one in the Commonwealth of Pennsylvania is expected to
24 go back into any buildings before the end of May and
25 still be working from home, possibly into June or

1 July. He almost guaranteed the next Board meeting
2 would be virtual and recommended attending virtual
3 conferences as far as travel.]

4 ***

5 Continuing Education Program Approval

6 CHAIRMAN WEBER:

7 I'd like to move on to continuing
8 education programs, Jefferson Health
9 Northeast Podiatry Grand Rounds. All of
10 us have reviewed this.

11 Do we have a motion to accept this
12 program for CME?

13 DR. PARIS:

14 I'll make that motion.

15 MS. HALUSZCZAK:

16 I'll second.

17 CHAIRMAN WEBER:

18 All in favor? Any nays?

19 [The motion carried unanimously.]

20 ***

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

23 [Robert B. Weber, D.P.M., J.D., M.B.A., Chairman,
24 noted Board meetings are always the third Wednesday of
25 the month. Chairman Weber questioned whether anyone

1 had any problems with the 2021 or 2022 meeting dates.]

2 CHAIRMAN WEBER:

3 Do we have a motion to accept the meeting
4 dates?

5 DR. GREENBERG:

6 I'll make that motion.

7 COMMISSIONER JOHNSON:

8 Second.

9 CHAIRMAN WEBER:

10 All in favor?

11 [The motion carried unanimously.]

12 ***

13 Miscellaneous

14 [Michael J. Paris, D.P.M., Vice Chairman, questioned
15 whether Board Counsel had an update regarding
16 permitting CMEs to be online.

17 Mr. Kriner updated the Board on preparing a final
18 regulation package and addressing some Independent
19 Regulatory Review Commission (IRRC) comments and
20 questions. He noted the package should be presented
21 to the Board at the June meeting.

22 Dr. Greenberg requested a preview for the Board's
23 review prior to the June meeting.

24 Chairman Weber requested information regarding
25 new positions for the Board of Podiatry.

1 Mr. Kriner noted one interested party for a
2 physician position.

3 Chairman Weber expressed a concern with positions
4 not being filled.

5 Commissioner Johnson addressed difficulties
6 fielding individuals, especially public members
7 concerning conflict and Senate process.

8 Chairman Weber expressed Board appreciation for
9 Commissioner Johnson, Mr. Kriner, Ms. Wray, and Ms.
10 Haluszczak.

11 Ms. Haluszczak requested Ms. Wray resend the link
12 regarding financial responsibility.

13 Commissioner Johnson encouraged Board members to
14 complete the form by May 1. He stated the form is now
15 online, noting the benefit of completing the form
16 online, where everything prepopulates for next year.
17 He mentioned first-time users of the online portal
18 would need to go through a registration process.]

19 ***

20 Adjournment

21 CHAIRMAN WEBER:

22 I'd like to have a motion for
23 adjournment, please?

24 DR. GREENBERG:

25 I make a motion to adjourn.

1 DR. PARIS:

2 I second that motion.

3 CHAIRMAN WEBER:

4 All in favor?

5 [The motion carried unanimously.]

6 ***

7 [There being no further business, the State Board of
8 Podiatry Meeting adjourned at 12:31 p.m.]

9 ***

10

11 CERTIFICATE

12

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

18

19

20



21

Evan Bingaman,

22

Minute Clerk

23

Sargent's Court Reporting

24

Service, Inc.

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STATE BOARD OF PODIATRY
REFERENCE INDEX

April 21, 2021

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9	9:30	Executive Session
10	10:30	Return to Open Session
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12	10:46	Official Call to Order
13		
14	10:47	Approval of Minutes
15		
16	10:48	Appointment - Bureau of Finance and
17		Operations Annual Budget Presentation
18		
19	11:14	Report of Prosecutors
20		
21	11:15	Report of Board Counsel
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23	11:20	Report of Regulatory Counsel
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25	12:12	Report of Board Administrator
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27	12:17	Continuing education Program Approval
28		
29	12:18	For the Board's Information/Discussion
30		
31	12:21	Miscellaneous
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33	12:31	Adjournment
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