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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

TIME: 9:32 A.M.

TELECONFERENCE

Wednesday, April 15, 2020

1 ***

2 State Board of Podiatry

3 April 15, 2020

4 ***

5 The regularly scheduled meeting of the State
6 Board of Podiatry was held on Wednesday, April 15,
7 2020. Robert B. Weber, D.P.M., Chairman, called the
8 meeting to order at 9:32 a.m.

9 ***

10 Approval of Minutes of the October, 16, 2019 meeting

11 CHAIRMAN WEBER:

12 Could I have a motion to approve the
13 minutes of the 16th of October?

14 DR. PARIS:

15 I'll make the motion.

16 CHAIRMAN WEBER:

17 Anyone second?

18 DR. GREENBURG:

19 Second.

20 CHAIRMAN WEBER:

21 All in favor?

22 [The motion carried unanimously.]

23 ***

24 Appointment - Bureau of Finance and Operations Annual
25 Budget Presentation

1 [Kimberly Adams, Chief of Fiscal Management, Bureau of
2 Finance and Operations, referred to the Budget Packet
3 in the Board's e-Agenda. She reviewed the licensee
4 population from a revenue standpoint. Ms. Adams noted
5 a decrease by 9 in the years 2015-2017. From 2017 to
6 present, the licensee population had decreased an
7 additional 23. The current licensee count was 1509,
8 which had recently risen to 1514. Chairman Weber
9 question whether this decline had occurred in other
10 professions. Ms. Adams offered to provide that
11 information at the next meeting.

12 Ms. Adams reviewed the biennial total revenue by
13 source. She reviewed the biennial total revenue for
14 fiscal years 2017-2018 and 2018-2019. She stated 96
15 percent of the revenue was due to applications and
16 renewals.

17 Ms. Adams provided a categorical breakdown of
18 expenses for FY 2017-2018 and FY 2018-2019 with the
19 current budget for FY 2019-2020 and expenses as of
20 April 1, 2020. She noted the current expenses were
21 \$239,431.70. Timesheet base and stenographer expenses
22 were the direct costs to the Board. The third direct
23 costs were considered licensee based. Mr. Johnson
24 inquired as to the likelihood of this direct cost
25 number changing due to the current situation of the

1 pandemic crisis. Ms. Adams stated there would still
2 be timesheets and other costs that would affect this
3 number. She stated the budget amount calculated was
4 good for the remainder of the year.

5 Ms. Adams noted the expenses for the biennial
6 period were slightly higher than the revenue. She
7 advised, if this continued, the Board would have to
8 assess whether to increase the fees. She noted,
9 currently, the Board's balance was sufficiently
10 supporting their expenses.

11 Ms. Adams reviewed Board member expenses, noting
12 the current budget for FY 2019-2020 as of April 1,
13 2020, along with the Board member expenses. Mr. Suter
14 commented that currently the Budget was sufficient;
15 however, next year there could be the potential for an
16 increase in the fees. Ms. Adams also indicated
17 currently the Board's budget was good. For this year,
18 she predicted less expenses due to the Covid-19 virus
19 pandemic. She stated BFO would continue to review and
20 monitor the Board's numbers. Ms. Adams reiterated, if
21 the Board's expenses continued to outbalance the
22 revenue, the Board would have to assess if a fee
23 increase would be possible.

24 Dr. Greenberg questioned if there was a detailed
25 itemized expense sheet for the Board to review what

1 was billed for Prosecution. Mr. Suter stated the
2 timesheets submitted from the Prosecution office
3 incorporated to the high number in the expense
4 category. Mr. Suter explained, anytime a Board
5 prosecutor works on a case for the Board, their time
6 gets billed to the appropriate Board. He assessed
7 that 90% of that expense were the timesheets related
8 to the cases the prosecution was working on for the
9 Board.

10 Chairman Weber voiced his concern with receiving
11 a detailed itemized report from prosecution. He noted
12 the possibility of redacting confidential information.

13 Carolyn A. DeLaurentis, Esquire, Deputy Chief
14 Counsel, Prosecution Division suggested providing the
15 Board with aggregate data for their review. This data
16 would provide the Board with number of cases closed
17 and those that remain open.

18 Mr. Suter inquired if Ms. DeLaurentis could
19 provide a presentation at the next Board meeting
20 similar to her annual report in order to demonstrate
21 the aggregate data for numbers of open and closed
22 cases.]

23 ***

24 CHAIRMAIN WEBER:

25 As of now, we will hold off until our

1 August meeting. All in favor?

2 DR. GREENBERG:

3 In favor.

4 MR. PARIS:

5 In favor too.

6 [The motion carried unanimously.]

7 ***

8 [Michael J. Paris, D.P.M., Vice Chairman, suggested
9 the Board review additional options as opposed to
10 increasing the fees for their licensees. Mr. Johnson
11 stated the Budget's model was in line with IRRC's
12 (Independent Regulatory Review Commission) vision
13 across all the State Boards.]

14 ***

15 Report of Prosecutors

16 [Paul Jarabeck, Esquire, Senior Prosecutor in Charge,
17 stated the prosecutors had experienced an increase of
18 cases. He indicated some of the cases were self-
19 report cases from lawsuits. Mr. Jarabeck informed the
20 Board that valid claims were submitted to experts for
21 review. This process contributes to the prosecution
22 costs.]

23 Chairman Weber asked if the Federal Government
24 contributed to the cost since it was a Federal issue.
25 Kenneth J. Suter, Esquire, Board Counsel, stated they

1 had not received revenue from the Federal Government.
2 Chairman Weber recommended a request for the Federal
3 Government to collaborate in the costs.

4 Dr. Greenberg asked if every case reviewed was
5 referred to medical experts for evaluation. Mr.
6 Jarabeck stated it depended on the case circumstances.

7 Where an individual refused to cooperate, the case
8 would not move forward due to no record being
9 reviewed. Mr. Jarabeck indicated all information was
10 gathered, and experts are asked to review a case
11 involving a medical decision prior to a final case
12 decision.

13 Dr. Greenberg questioned whether there was a time
14 limitation for the expert's review period. Mr.
15 Jarabeck indicated a deadline period is set, but if
16 additional time is needed for the experts, a prior
17 approval would be requested.]

18 ***

19 CHAIRMAN WEBER:

20 Let's have a motion to accept the
21 Prosecutor's report please.

22 DR. GREENBERG:

23 I make a motion to accept the
24 Prosecutor's report.

25 MR. PARIS:

1 I'll second.

2 CHAIRMAN WEBER:

3 All in favor? So moved please.

4 [The motion carries, unanimous.]

5 ***

6 Report of Board Counsel

7 [Kenneth Suter, Esquire, Board Counsel, reviewed the
8 Position Statement from the American Podiatric Medical
9 Association (AMPA) related to Doctors of Podiatric
10 Medicines and Covid-19 pandemic. Podiatrists are being
11 asked to assist with the treatment of Covid-19
12 patients during the crisis in order to reduce the
13 burden on the healthcare system.

14 Dr. Greenberg received a call from a colleague
15 that had been requested by the Chief of Staff by his
16 hospital to assist in caring for Covid-19 patients in
17 Philadelphia. Dr. Greenberg suggested approving a
18 regulation that would allow Podiatrist to assist
19 during a medical crisis on a case-by-case basis. Dr.
20 Greenberg indicated the concern would be which
21 insurance providers would cover the care costs
22 performed by a podiatrist, who would be practicing out
23 of the medical scope.

24 Mr. Suter indicated the legislative approval
25 would be a long-term process. Currently, this is an

1 immediate issue where podiatrists would help with the
2 care of Covid-19 patients. Chairman Weber suggested
3 for the protection of the podiatrist instituting the
4 Hold Harmless Clause, (a statement in a legal contract
5 that absolves one or both parties in a contract of
6 legal liability). Chairman Weber suggested a
7 proclamation identifying podiatrists as physicians.
8 He commended podiatrists currently working in keeping
9 their patients with diabetes away from hospitals and
10 conducting treatment at their offices.

11 Dr. Greenberg stated this was an immediate issue
12 for physicians available to assist in treating the
13 public during the crisis. This supported their
14 mission, which is to help and protect the citizens of
15 Pennsylvania, if podiatrists are requested to treat
16 Covid-19 patients due to the crisis. At the end of
17 the crisis, this would help support the efforts for
18 podiatrists to be recognized as physicians.

19 Dr. Greenberg referred to his colleague who was
20 asked to assist with treatment of Covid-19 from a
21 Philadelphia hospital. His colleague was bound by
22 restrictions not allowing him to assist. Ms.
23 Haluszczak and Ms. McCaughan both agreed the Position
24 Statement would serve as a stepping stone to move
25 forward in support for podiatrists to be recognized as

1 physicians.]

2

3 Board of Commissioner

4 [K. Kalonji Johnson, Acting Commissioner, Bureau of
5 Professional and Occupational Affairs, discussed the
6 work of the staff to addressing waivers related to the
7 Covid-19 pandemic. Mr. Johnson reviewed the early
8 Telemedicine and Reactivation waivers that were
9 approved. He requested Mark Farrell, Department of
10 Policy, to report the updates on the pandemic.

11 Mr. Farrell informed the Board there would be a
12 call to action for all physicians to assist in the
13 crisis. The details of the roll out will be
14 forthcoming. He assured the Board that a liability
15 regulation for the protection of physicians requested
16 to assist in the treatment of Covid-19 patients was
17 being promulgated.

18 Mr. Johnson stated the telemedicine provisions
19 were active with the only requirement being the
20 physicians providing telemedicine outside of
21 Pennsylvania must give prior notice. Mr. Johnson
22 commended and thanked the Board for their level of
23 flexibility and commitment during the crisis.

24 Dr. Greenberg asked if the motion was moving
25 forward for podiatrists to assist patients during the

1 crisis. Mr. Suter indicated the provision had not
2 been finalized; however, it was being addressed to
3 assist with the crisis. Mr. Johnson agreed the
4 provision was being addressed, but not finalized, and
5 would be announced once approved.

6 Chairman Weber questioned if the Department was
7 addressing the issues of vacancies with the Board.
8 Mr. Johnson reassured the Board the issue was being
9 addressed. The Department was aware that many Boards
10 would be impacted by vacancies if nominations are not
11 moved forward with the current crisis. He stated it
12 was currently with the Senate to move the process
13 forward. Chairman Weber commended Ms. Haluszczak for
14 her assistance to the Board as a Public Member.]

15

16 [Michael Paris, D.P.M., Vice Chairman, questioned
17 whether licensees were aware of the Continuing
18 Education Restriction Assistance. Mr. Johnson stated
19 an extension was planned on being offered. He stated,
20 once the renewal period is closer, a formal
21 announcement would be made of the extension.
22 Currently, the extension was for 90 days. Mr. Johnson
23 strongly suggested licensees continue completing their
24 CE (Continued Education). Mr. Johnson noted a
25 possible announcement sometime in June. Mr. Suter

1 noted granted waivers would be listed on the website
2 under the Commissioner's Report. The Board discussed
3 whether sending email announcements regarding CE would
4 be effective.]

5

6 Report of Regulatory Counsel

7 [Mr. Suter reassured the Board their Continuing

8 Education Regulation was moving forward, but currently

9 it was not the highest priority in the Office of

10 General Counsel due to the Covid-19 pandemic.

11 Comments had been received. Mr. Suter announced the

12 regulation would permit all CE to be taken online once

13 approved.]

14

15 CHAIRMAN WEBER:

16 Could I have a motion to accept the

17 report?

18 DR. GREENBURG:

19 So moved.

20 DR. PARIS:

21 I'll second.

22 [The motion carried unanimously.]

23

24 Report of Board Chairman

25 [Robert B. Weber, D.P.M., Chairman, introduced the new

1 Board Member, Dia McCaughan, DPM. Dr. McCaughan
2 provided a brief summary of her educational and
3 professional background.]

4 ***

5 Report of Board Administrator

6 [Aaron Hollinger, Board Administrator, reassured the
7 Board of his office's continuing work to process
8 applications from home. He thanked Acting
9 Commissioner Johnson and his staff for continuing to
10 work during this difficult time period. Mr. Hollinger
11 did not foresee any obstacles in the continued
12 processing of the applications. He assured the Board
13 the staff was prepared for the influx of applications
14 to be processed from home.

15 Chairman Weber suggested newly graduates be
16 permitted to take part 3 during their residency
17 program without having a training license. He
18 discussed the possibility of the graduates having
19 difficulty taking part 3 due to the pandemic crisis.
20 Chairman Weber requested a follow-up feedback to the
21 Board regarding his recommendation. Mr. Johnson
22 indicating the Bureau staff had been discussing this
23 issue with stakeholders and hospitals. He noted that
24 schools were not moving students forward, which this
25 has resulted in a greater issue for the Department.

1 Mr. Johnson assured the Board Chairman Weber's
2 suggestion would be addressed as the Bureau continues
3 to resolve any issues during this crisis.]

4 ***
5 [Pursuant to Section 708(a)(5) of the Sunshine Act, at
6 11:14 a.m. the Board entered into Executive Session
7 with Kenneth J. Suter, Esquire, Board Counsel, for the
8 purpose of conducting quasi-judicial deliberations.
9 The Board returned to open session at 11:26 a.m.]

10

11

12 MOTIONS

13 MR. SUTER:

14 The Board was in Executive Session. The
15 purpose of the Executive Session was to
16 discuss item no. 4 on the agenda which
17 was a continuing education program,
18 approval application. And as a result
19 of the Executive Session, I understand
20 the Board will entertain a motion to
21 approve this application, which is an
22 application by the Annual National Foot
23 and Ankle Fellowship meeting May 15th
24 through May 16th, 2020.

25 MS. HALUSZCZAK:

1 So moved.

2 MR. JOHNSON:

3 I'll second.

4 CHAIRMAN WEBER:

5 All in favor? So moved.

6 [The motion carried unanimously.]

7 ***

8 MR. SUTER:

9 The next order of business that we have
10 is a motion to approve item number 6 on
11 the agenda. A motion to approve the
12 proposed 2021 Board meeting dates.

13 Does somebody want to make that
14 motion?

15 MR. JOHNSON:

16 So moved.

17 MR. SUTER:

18 Any second?

19 DR. PARIS:

20 I'll second.

21 CHAIRMAN WEBER:

22 All in favor?

23 [The motion carried unanimously.]

24 ***

25 Adjournment

1 MR. JOHNSON:

2 I would move that we adjourn today's
3 meeting.

4 MS. HAUSZCZAK:

5 Second.

6 CHAIRMAN WEBER:

7 All in favor?

8 [The motion carried unanimously.]

9 ***

10 [There being no further business, the State Board of
11 Podiatry Meeting adjourned at 11:30 a.m.]

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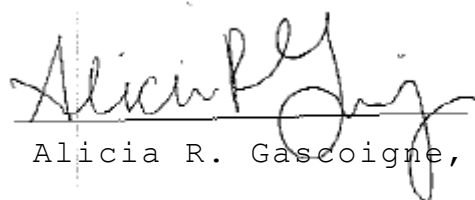
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CERTIFICATE

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.



Alicia R. Gascoigne,
Minute Clerk

Sargent's Court Reporting
Service, Inc.

STATE BOARD OF PODIATRY
REFERENCE INDEX

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TIME	AGENDA
9:32	Official Call to Order
9:33	Roll Call
9:36	Approval of Minutes
9:38	Appointment
10:06	Report of Prosecutors
10:12	Report of Board Counsel
10:35	Report of Commissioner
10:59	Report of Chairman
11:06	Report of Board Administrator
11:14	Executive Session
11:26	Return to Open Session
11:26	Motions
11:30	Adjournment