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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: 9:31 A.M.

BOARD ROOM C

One Penn Center

2601 North Third Street

Harrisburg, PA 17110

Wednesday, October 16, 2019

State Board of Podiatry
October 16, 2019

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BOARD MEMBERS:

Robert B. Weber, D.P.M., Chairman
K. Kalonji Johnson, Acting Commissioner, Bureau of
Professional and Occupational Affairs
Michael J. Paris, D.P.M., Vice Chairman
Eric B. Greenberg, D.P.M., J.D., Secretary - Absent
Melissa Haluszczak, Public Member

BUREAU PERSONNEL:

Kenneth J. Suter, Esquire, Board Counsel
Christopher K. McNally, Esquire, Board Prosecution
Liaison
Carolyn A. DeLaurentis, Esquire, Deputy Chief Counsel,
Prosecution Division
Aaron Hollinger, Board Administrator

ALSO PRESENT:

Sara Simon, Investigative Data Reporter, Spotlight PA

1 ***

2 State Board of Podiatry

3 October 16, 2019

4 ***

5 The regularly scheduled meeting of the State
6 Board of Podiatry was held on Wednesday, October 16,
7 2019. Robert B. Weber, D.P.M., Chairman, called the
8 meeting to order at 9:31 a.m.

9 K. Kalonji Johnson, Acting Commissioner, Bureau
10 of Professional and Occupational Affairs, and Melissa
11 Haluszczak, Public Member, were not present at the
12 commencement of the meeting.

13 ***

14 [K. Kalonji Johnson, Acting Commissioner, Bureau of
15 Professional and Occupational entered the meeting at
16 9:33 a.m.]

17 ***

18 Appointment - Carolyn A. DeLaurentis, Esquire, Deputy
19 Chief Counsel, Prosecution Division Presentation
20 [Carolyn A. DeLaurentis, Esquire, Deputy Chief
21 Counsel, Prosecution Division, introduced herself and
22 provided a brief summary of her professional
23 background. Ms. DeLaurentis commended the Board
24 prosecutors for their work.

25 Ms. DeLaurentis stated she, along with Tim Gates,

1 Chief Counsel, broke the office into business teams
2 and health teams. She stated the Podiatry Board falls
3 under health team 3, which is run by Paul Jarabeck,
4 Senior Prosecutor in Charge, along with Mr. McNally to
5 be more aware of the cases.

6 Ms. DeLaurentis provided information for the
7 Pennsylvania State Board of Podiatry for FY 2018-2019,
8 noting that 41 files were opened with 64 open files as
9 of July 1, 2019.

10 Ms. DeLaurentis noted 6 warning letters, 1
11 reprimand, no suspensions, and no revocations of
12 licensees were issued.

13 Ms. DeLaurentis stated the prosecution division,
14 in general, for FY 2018-2019 had 69 immediate
15 temporary suspensions. She noted 11,359 open cases as
16 of July 1, 2019. She reviewed the last fiscal year,
17 noting that 14,030 files were opened, which was an
18 increase from 12,604 the prior year. She noted the
19 increase to be due to the Pennsylvania Licensing
20 System (PALS) and the Pennsylvania Justice Network
21 (JNET), where the prosecution division receives an
22 alert when licensees are charged with a crime. She
23 also noted 13,270 closed files the last fiscal year.

24 Ms. DeLaurentis discussed the Office of General
25 Counsel's Mediation Program, which is available to

1 anyone who has a case pending at no cost to the
2 respondent or the Board. She stated the case
3 essentially goes before a neutral third-party attorney
4 to assist with reaching a resolution. She mentioned
5 that it has been successful so far in a handful of
6 cases. She said the consent agreement will reflect
7 that the resolution was the result of mediation.

8 Chairman Weber questioned whether the Board would
9 be able to receive information or notification when
10 prosecution receives an alert. Ms. DeLaurentis
11 referred to the case of Lyness, stating that the Board
12 knowing cases being investigated would create a bias
13 or prejudice situation when it comes before the Board
14 for final resolution. She offered to provide the
15 Board with aggregate data for the next meeting.

16 Acting Commissioner Johnson questioned the volume
17 of data and data points with JNET. Ms. DeLaurentis
18 stated the Justice Network, which is essentially a
19 criminal justice database only for Pennsylvania
20 arrests and convictions, is run by Governor Wolf's
21 Office of Administration.

22 Mr. Suter questioned whether the data was on
23 target for additional files being opened this year.
24 Ms. DeLaurentis stated it was more than the prior year
25 by a significant number and will pull the general data

1 for Board. She commented that the Podiatry Board had
2 less files last year than the prior year.]

3 ***

4 [Melissa Haluszczak, Public Member, entered the
5 meeting at 9:45 a.m.]

6 ***

7 Approval of Minutes of the June 19, 2019 meeting

8 CHAIRMAN WEBER:

9 Approval of the minutes. Could I have
10 a motion?

11 DR. PARIS:

12 I'll make the motion.

13 MR. JOHNSON:

14 Second.

15 CHAIRMAN WEBER:

16 All in favor?

17 [The motion carried unanimously.]

18 ***

19 Report of Prosecutorial Division - No Report

20 ***

21 Report of Board Counsel

22 [Kenneth J. Suter, Esquire, Board Counsel, addressed
23 House Bill 1172, which is now Act 41, passed and
24 signed into law by Governor Wolf. Mr. Suter stated
25 the Act provides for licensure by endorsement and

1 provisional licensure for people desiring to come to
2 Pennsylvania from another state, territory, or
3 country. He explained that an individual's current
4 license, certificate, or registration in another
5 jurisdiction must be substantially equivalent or
6 exceed the requirements in the Commonwealth.

7 Mr. Suter also emphasized the importance of
8 developing criteria that demonstrates competency in
9 the profession. He explained that the Board must
10 adopt at least one of the two criteria and referred to
11 Section 6.1(a)(2), where a person has practiced two of
12 the five years preceding the application or have
13 experience in a profession through continuing
14 education.

15 Mr. Suter referred to Section 6.1(a)(3) regarding
16 grounds for not granting a license; Section 6.1(a)(4),
17 where a person is in good standing and had not been
18 disciplined by the jurisdiction where they are
19 licensed; and 6.1(a)(5) regarding paying any fees in
20 accordance with the regulation.

21 Mr. Suter noted the need to adopt regulations and
22 have a procedure in place to process applications
23 because the bill went into effect in September. He
24 mentioned a discussion with Chairman Weber and Mr.
25 Hollinger regarding competency.

1 Mr. Suter referred to licensure by endorsement
2 under Act 41(a)(2)(i), where an individual
3 demonstrates competency by experience in the
4 profession or occupation for at least two of the five
5 years immediately preceding the date of application
6 and thought to be a stronger system to verify that an
7 individual is competent rather than having the
8 continuing education (CE). He noted that the Board
9 had to choose at least one.

10 Mr. Suter discussed criteria, which would be a
11 person who has experience in the profession for at
12 least two of the five years immediately preceding the
13 date of the application and the person has to
14 successfully pass all parts of the National Board
15 Examination, which is required anyway and would be
16 added in when the Board gets to the regulatory
17 process.

18 Mr. Suter commented that it is unknown if
19 somebody is competent because they practiced two of
20 the last five years, but there is a good sense that
21 they are competent if they passed the National Board
22 Examination.

23 Chairman Weber mentioned looking at a provision
24 for candidates who have all of the criteria but not
25 enough continuing medical education (CME) credits,

1 where they could complete the requirements in a
2 certain amount of time.

3 Acting Commissioner Johnson stated the purpose of
4 the Act was to be mindful of military spouses who
5 travel and may not be in one jurisdiction for more
6 than 6-18 months at a time, where it becomes difficult
7 for them to amass the necessary CME credits or meet a
8 residency requirement.

9 Mr. Suter commented that the reciprocity
10 provision as it currently stands in the regulation
11 requires substantial equivalency. He noted that it
12 mirrors what is in the endorsement section without the
13 requirement of two years of practice, which makes
14 endorsement a higher standard than reciprocity. He
15 stated the existing reciprocity can still be utilized
16 and might be easier for somebody coming to
17 Pennsylvania from another state, because it does not
18 have the two-year requirement.

19 Mr. Suter noted that when considering somebody
20 coming in through endorsement, the Board reviews the
21 procedure to get a license in the other territory or
22 jurisdiction that is substantially equivalent when
23 applying for licensure.

24 Mr. Suter noted the need to approve a committee
25 to review the applications and act on the Board's

1 behalf. He explained the application process, noting
2 that an application approved by the committee will be
3 issued a license by Mr. Hollinger's office, and the
4 Board would not see that application. He stated
5 applications denied for whatever reason would come to
6 the Board for a vote, and if the Board decided to deny
7 the application, he would issue a provisional denial
8 because they are entitled to a due process hearing.

9 Mr. Suter further explained that the application
10 would go to Mr. Hollinger first, but Mr. Suter would
11 make a determination as to substantially equivalent
12 and present the application to the committee if he is
13 not sure.

14 Acting Commissioner Johnson noted this pertains
15 to primarily international applicants, because anyone
16 coming from contiguous states, the two outliers, or
17 the five United States jurisdictions would be eligible
18 for reciprocity.

19 Mr. Suter noted competency to be the Board's
20 backup, where individuals would have to pass the
21 National Board Examination and be able to practice.
22 He also noted the need to develop a regulation and
23 have standards in place if the Board receives an
24 application.

25 Chairman Weber suggested having the entire Board

1 provide equal input on a decision should there be any
2 issue with the person applying.]

3 ***

4 [K. Kalonji Johnson, Acting Commissioner, Bureau of
5 Professional and Occupational Affairs, exited the
6 meeting at 10:20 a.m.]

7 ***

8 [Mr. Suter cautioned the Board regarding having the
9 entire Board on the committee because of the need for
10 a majority of people to vote, just like a quorum. He
11 stated any applications that are denied should be
12 recorded in a formal Board meeting.

13 Chairman Weber and Dr. Paris volunteered to be
14 members of the committee with Ms. Haluszczak as the
15 alternate.

16 Mr. Suter addressed an email from Dr. Greenberg
17 regarding waiving testing requirements and clarified
18 that nobody gets waived under the endorsement as it
19 now stands.]

20 ***

21 [K. Kalonji Johnson, Acting Commissioner, Bureau of
22 Professional and Occupational Affairs, reentered the
23 meeting at 10:31 a.m.]

24 ***

25 MS. HALUSZCZAK:

1 I make a motion that Dr. Weber and
2 Dr. Paris are the committee with me
3 being an alternate.

4 DR. PARIS:

5 I'll second.

6 CHAIRMAN WEBER:

7 All in favor?

8 [The motion carried unanimously.]

9 ***

10 MR. SUTER:

11 I need a vote. What the committee
12 decided was that they were just
13 requiring two of the five years
14 immediately preceding the date of
15 application and that you pass all parts
16 of the National Board Examination.

17 MR. JOHNSON:

18 Could I have a motion to accept?

19 DR. PARIS:

20 Second.

21 CHAIRMAN WEBER:

22 All in favor?

23 [The motion carried unanimously.]

24 ***

25 MR. SUTER:

1 Just to clarify, the standards are
2 experience in the profession for at
3 least two years of the five years
4 immediately preceding the date of
5 application and successfully passing
6 all parts of the National Board
7 Examination.

8 ***

9 [Kenneth J. Suter, Esquire, Board Counsel, referred to
10 provisional endorsement licensure under Act 41, where
11 legislation gave the Board the option to grant a
12 license and give individuals a period of time to meet
13 the criteria.]

14 ***

15 MR. JOHNSON:

16 I would move for adoption of the
17 provisional endorsement license language
18 within the proposed regulation.

19 MS. HALUSZCZAK:

20 I second.

21 CHAIRMAN WEBER:

22 All in favor?

23 [The motion carried unanimously.]

24 ***

25 [The Board recessed from 10:46 a.m. until 10:50 a.m.]

1 ***

2 Report of Regulatory Counsel

3 [Kenneth J. Suter, Esquire, Regulatory Counsel,
4 updated the Board on the continuing education
5 regulation. He awaits a response from the Office of
6 General Counsel following revisions. Mr. Suter stated
7 Governor Wolf's office picked it up as part of their
8 initiative to increase efficiency and breakdown
9 burdens of licensure, which reduces the number of
10 hours and permits licensees to do all of their
11 continuing education online.

12 Mr. Suter announced that he will no longer be
13 Board Counsel for this Board but will probably attend
14 the next meeting to orient new counsel.

15 Chairman Weber noted the Board's appreciation of
16 having Mr. Suter as Board counsel.]

17 ***

18 Report of Board Chair

19 [Robert B. Weber, D.P.M., Chairman, addressed Board
20 vacancies, noting the Board is still waiting to hear
21 from Governor Wolf's office.

22 Chairman Weber requested the assistance from
23 Acting Commissioner Johnson regarding the status of
24 podiatrists being recognized in the Commonwealth of
25 Pennsylvania as physicians. He mentioned that

1 podiatrists are already considered physicians under
2 many insurance policies, Medicare, and Veterans
3 Affairs (VA).

4 Chairman Weber requested assistance from Acting
5 Commissioner Johnson concerning the need for more
6 parity of podiatrists in the military. He stated
7 Pennsylvania does not have one podiatrist in the
8 National Guard, and if a podiatrist was in the
9 National Guard, he would not be doing work as a
10 podiatrist or military occupational specialist (MOS).

11 Acting Commissioner Johnson explained that the
12 Pennsylvania National Guard does not have a
13 recognition of MOS. He mentioned Andrew LaFratte is
14 working on workforce development and identifying
15 opportunities or strategic initiatives to partner with
16 other agencies, one of which is the Department of
17 Military and Veterans Affairs (DMVA), which has
18 oversight over the Pennsylvania National Guard.

19 Acting Commissioner Johnson will reach out
20 through policy to the DMVA to entertain discussions at
21 the Pennsylvania National Guard level. He noted that
22 discussions regarding the armed services need to be at
23 the federal level.

24 Chairman Weber addressed child abuse CME,
25 commenting that 2 credits every 2 years is too much

1 because anyone knows what child abuse is who works in
2 a medical environment. He suggested an email blast
3 that could be read and signed for everybody in
4 medicine to have recognition of child abuse. He also
5 suggested an email blast for opioid continuing
6 education.

7 Acting Commissioner Johnson will relay the
8 suggestion to legislative affairs.]

9

10 Report of Board Administrator

11 [Aaron Hollinger, Board Administrator, noted an
12 application and continuing education program approval
13 for discussion during Executive Session.]

14

15 Report of Acting Commissioner

16 [K. Kalonji Johnson, Acting Commissioner, Bureau of
17 Professional and Occupational Affairs, announced
18 landing page changes to PALS.

19

20 Acting Commissioner Johnson addressed the PALS
21 guide, which is an educational and informational tool
22 for increasing and improving transparency in the
23 application process and to describe in detail and
24 articulate in an easier and more intuitive way to the
25 public the authority of the Board. He noted that the
plan is to eventually identify all of the license

1 types in PALS, so individuals who have questions
2 should be able to plug right into the profession or
3 the license they are seeking to obtain and should be
4 able to have a guided step-by-step process into the
5 process.

6 Acting Commissioner Johnson also addressed the
7 initial application submission phase, the production
8 phase regarding documentation received by the Board,
9 the third phase of either issuing a license or the
10 need of further requirements for testing or
11 examination, and the issuance of the license as the
12 final phase.

13 Chairman Weber mentioned that podiatrists want
14 the Medical Board and Osteopathic Board to recognize
15 that they are not asking for a DO degree or MD degree
16 but are looking to be recognized as physicians similar
17 to insurance companies, some other states, and the
18 government.

19 Chairman Weber mentioned being asked questions
20 from patients regarding insurance and questioned
21 whether there was anything the state could do in
22 general for the people to address this issue.

23 Acting Commissioner Johnson stated information
24 can be created on the website under FAQ that would
25 direct folks to the proper agency. He mentioned that

1 the Department of Insurance educates consumers
2 concerning their insurance options.

3 Chairman Weber suggested sending the information
4 to the medical societies and letting the societies and
5 agencies pass it on to the members instead of sending
6 it to everyone.

7 Acting Commissioner Johnson noted a concern
8 whether the societies are making connections with the
9 professional agencies. He mentioned putting
10 information on the website for professional societies
11 to choose whether to utilize that link to reach out to
12 the Department of Insurance.

13 Chairman Weber suggested passing the Pennsylvania
14 Insurance Department website onto the Pennsylvania
15 Podiatric Medical Association (PPMA).

16 Acting Commissioner Johnson will look into a
17 presentation by the Pennsylvania Insurance Department.

18 Acting Commissioner Johnson addressed the use of
19 pa.gov email addresses. He referred to the policy
20 regarding use of private email being highly not
21 recommended, noting that it will be prohibited moving
22 forward. He noted that emails will only be sent to
23 pa.gov addresses for safety and security.

24 Acting Commissioner Johnson addressed Right-to-
25 Know Law/Sunshine Act requirements. He suggested

1 maintaining public business on public email accounts.
2 He noted communication via pa.gov. He noted problems
3 with pa.gov accounts will be referred to the Office of
4 Administration and IT department.

5 Acting Commissioner Johnson noted new member
6 orientation for public members has been moved to the
7 spring of 2020 but will be providing an update on all
8 of the policies and procedures for Board members via
9 email.

10 Acting Commissioner Johnson addressed the
11 attendance policy, commenting that the Podiatry Board
12 does not have that issue because all of the members
13 attend regularly.

14 Acting Commissioner Johnson will be communicating
15 via email and would like to provide monthly to
16 quarterly updates to outline the general developments
17 of the bureau and department.]

18

19 For the Board's Information/Discussion - Meeting Dates
20 [Robert B. Weber, D.P.M., Chairman, referred to 2019
21 and 2020 Board meeting dates, noting the one in
22 December is close to Christmas.

23 Mr. Hollinger mentioned that other meetings in
24 the past years had been canceled in December. The
25 date can be revisited closer to the meeting date.

1 Acting Commissioner Johnson mentioned the emails
2 that will be received every three months to
3 encapsulate all of the general FYIs that are important
4 if the December meeting is canceled but noted the
5 importance of sticking to meeting dates due to Act 41
6 and the requirement to promulgate regulations.

7 Acting Commissioner Johnson addressed cost
8 savings for the Commonwealth with fewer Board
9 meetings.]

10 ***

11 For the Board's Information/Discussion - Old/New
12 Business

13 [Kenneth J. Suter, Esquire, Board Counsel, addressed
14 phone scams occurring at the Bureau of Professional
15 and Occupational Affairs (BPOA). He stated people are
16 calling and telling licensees that they owe money and
17 cautioned members to not provide any information.

18 Acting Commissioner Johnson noted that the PDF in
19 the agenda regarding the scam is also posted on all 29
20 of the Board pages, on the BPOA main page, Department
21 of State main page, and is being circulated through
22 professional organizations as well. He stated the
23 number of actual instances is low but the fact that it
24 was being replicated across different Boards was
25 disconcerting.

1 Acting Commissioner Johnson noted that the bureau
2 is working with the prosecutor, counsel, and Bureau of
3 Enforcement and Investigation (BEI) to try to find out
4 where the scams are originating from. He also noted
5 working with the Office of Attorney General to obtain
6 additional information that could lead to an arrest.

7 Mr. Suter discussed correspondence from Kevin
8 Liberty requesting to obtain licensure after he failed
9 Part 3 of the exam by 1 point. He mentioned the
10 provisional license would not suffice in this
11 situation because he is not licensed and has not
12 passed the national exam.

13 Mr. Hollinger explained that the main issue is
14 the Podiatry Board does not have a training license.
15 He noted graduate training licenses under Medical and
16 Osteopathic Boards that would allow someone to go into
17 training. He stated podiatry does not have a training
18 license in the regulation, so they get the full
19 license, which means they have to pass all 3 parts of
20 the national exam.

21 Mr. Hollinger mentioned an issue with the
22 National Board Exam, where results come into the Board
23 a week or two prior to July 1, which is the major
24 start date for their training programs. He stated
25 individuals do not find out until the very last minute

1 they failed the exam and have already changed their
2 whole life to come to Pennsylvania. He noted that the
3 exam is in June and December, so he is now waiting
4 until December to retake Part 3.

5 Chairman Weber suggested individuals like this to
6 be certified as a podiatric assistant, where they
7 could work in a podiatrist's office and have
8 certification and income would be more then \$10 or \$12
9 an hour.

10 Acting Commissioner Johnson noted the reality is
11 the individual did not pass the examination and the
12 licensing process would have to be completely
13 restructured to account for an apprenticeship program
14 that led to unrestricted licensure.

15 Mr. Suter commented that this could be addressed
16 somewhere down the road but would need to be looked at
17 legislatively.

18 Dr. Paris suggested petitioning the testing Board
19 to move the date of the test, rather than have the
20 Board change regulations.

21 Ms. Haluszczak noted the Board could respond by
22 stating that the Board is bound by an act, and the
23 Board suggests lobbying the legislature and going to
24 the testing agency to ask for more testing dates and
25 quicker results. She commented that the Board will

1 look into the issue and try to get a training license,
2 but it could be a four- to eight-year process.

3 Acting Commissioner Johnson recommended
4 contacting Stephen Latanishen, Director of
5 Intergovernmental Affairs, who has a very good working
6 relationship with a lot of stakeholders and have him
7 respond essentially with similar verbiage.]

8 ***

9 MR. JOHNSON:

10 I move that we enter into executive
11 session.

12 DR. PARIS:

13 Second.

14 CHAIRMAN WEBER:

15 All in favor?

16 [The motion carried unanimously.]

17 ***

18 [Pursuant to Section 708(a)(5) of the Sunshine Act, at
19 11:55 a.m. the Board entered into Executive Session
20 with Kenneth J. Suter, Esquire, Board Counsel, for the
21 purpose of conducting quasi-judicial deliberations.
22 The Board returned to open session at 12:15 p.m.]

23 ***

24 MOTIONS

25 MR. SUTER:

1 The Board was in executive session. The
2 purpose of the executive session was to
3 discuss items 3 and 4 on the agenda.
4 Item No. 3 is an application by Marc
5 James Butcher, D.P.M. Item No. 4 on the
6 agenda was the continuing education
7 program approval request on behalf of
8 Jefferson Northeast Podiatry Grand
9 Rounds for October 24, 2019.

10 MS. HALUSZCZAK:

11 I make a motion to accept the
12 application from Marc James Butcher,
13 D.P.M.

14 DR. PARIS:

15 I'll second.

16 CHAIRMAN WEBER:

17 All in favor?

18 [The motion carried unanimously.]

19 ***

20 DR. PARIS:

21 I'll make a motion to accept the
22 application from Jefferson Northeast
23 Podiatry Grand Rounds.

24 HALUSZCZAK:

25 I second.

1 CHAIRMAN WEBER:

2 All in favor?

3 [The motion carried unanimously.]

4 ***

5 Adjournment

6 MS. HALUSZCZAK:

7 I make a motion to adjourn the meeting.

8 DR. PARIS:

9 I'll second.

10 CHAIRMAN WEBER:

11 All in favor?

12 [The motion carried unanimously.]

13 ***

14 [There being no further business, the State Board of
15 Podiatry Meeting adjourned at 12:17 p.m.]

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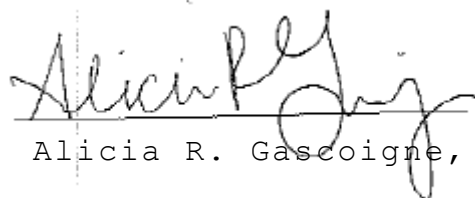
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CERTIFICATE

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

October 16, 2019

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7	TIME	AGENDA
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9	9:31	Official Call to Order
10		
11	9:32	Appointment - Carolyn A. DeLaurentis,
12		Esquire, Deputy Chief Counsel,
13		Prosecution Division Presentation
14		
15	9:45	Approval of Minutes
16		
17	9:46	Report of Board Counsel
18		
19	10:46	Recess
20	10:50	Return to Open Session
21		
22	10:51	Report of Regulatory Counsel
23		
24	10:54	Report of Board Chairman
25		
26	11:10	Report of Board Administrator
27		
28	11:11	Report of Acting Commissioner
29		
30	11:34	For the Board's Information
31		
32	11:55	Executive Session
33	12:15	Return to Open Session
34		
35	12:15	Motions
36		
37	12:17	Adjournment
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