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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: 9:40 A.M.

BOARD ROOM C

One Penn Center

2601 North Third Street

Harrisburg, PA 17110

Wednesday, October 17, 2018

State Board of Podiatry  
October 17, 2018

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BOARD MEMBERS:

- Robert B. Weber, D.P.M., Chairman
- Michael J. Paris, D.P.M., Vice Chairman
- Eric B. Greenberg, D.P.M., Secretary
- Ian J. Harlow, Commissioner of Professional and Occupational Affairs - Absent
- Jeffrey S. Gerland, D.P.M. - Absent
- Melissa Haluszczak, Public Member

BUREAU PERSONNEL:

- Kenneth J. Suter, Esquire, Board Counsel
- Paul J. Jarabeck, Esquire, Board Prosecution Liaison
- Codi M. Tucker, Esquire, Board Prosecutor
- Aaron Hollinger, Board Administrator

1 \*\*\*

2 State Board of Podiatry

3 October 17, 2018

4 \*\*\*

5 The regularly scheduled meeting of the State  
6 Board of Podiatry was held on Wednesday, October 17,  
7 2018. Robert B. Weber, D.P.M., Chairman, called the  
8 meeting to order at 9:40 a.m.

9 Chairman Weber expressed his thoughts regarding  
10 the importance of having value in life on the road to  
11 success.

12 \*\*\*

13 Approval of Minutes of the June 20, 2018 meeting

14 CHAIRMAN WEBER:

15 Could I have approval of the minutes,  
16 unless there are any issues about the  
17 minutes?

18 DR. GREENBERG:

19 I make a motion to approve.

20 CHAIRMAN WEBER:

21 Second?

22 DR. PARIS:

23 Second.

24 CHAIRMAN WEBER:

25 All in favor?

1 [The motion carried unanimously.]

2 \*\*\*

3 Report of Prosecutorial Division

4 [Paul J. Jarabeck, Esquire, Board Prosecution Liaison,  
5 introduced Codi Tucker, Esquire, as the new Board  
6 Prosecutor. Chairman Weber welcomed Ms. Tucker.]

7 \*\*\*

8 [Codi M. Tucker, Esquire, Board Prosecutor, presented  
9 the Consent Agreement for File No. 15-44-09739.]

10 \*\*\*

11 Report of Board Counsel

12 [Kenneth J. Suter, Esquire, Board Counsel, noted Item  
13 No. 3 for discussion in Executive Session.]

14 \*\*\*

15 Report of Regulatory Counsel

16 [Kenneth J. Suter, Esquire, Regulatory Counsel,  
17 addressed proposed Annex 16A-4417 regarding continuing  
18 education. Mr. Suter informed the Board that the  
19 decision at the last meeting to decrease the number of  
20 required continuing education credits became an  
21 initiative of the Governor's Office to decrease  
22 barriers to licensees. The Governor's office wants  
23 this regulation to move quickly.

24 Mr. Suter sent an exposure draft to the public  
25 and stakeholders on August 14, 2018, for their input

1 but no responses were received.

2 Mr. Suter discussed the regulation change in  
3 Section 29.61 to decrease the hours to 45, a change  
4 related to the approval of CE credits, and a change of  
5 the clock hours. He also noted the incorporation of  
6 an assessment as desired by the Board.

7 Mr. Suter discussed accommodating IRRC with the  
8 existing changes. He also mentioned the Board's  
9 language that a podiatrist is not required to complete  
10 continuing education in a renewal cycle in which they  
11 completed their residency or in a renewal cycle in  
12 which they were initially licensed, which is the  
13 regulation.

14 Chairman Weber commented that this would not have  
15 any negative effect on the public and have a positive  
16 effect on podiatrists as far as economics.]

17 MR. SUTER:

18 What I am going to look for at this  
19 point is a motion approving Regulation  
20 16A-4417 regarding continuing  
21 education, the annex which is the  
22 regulation and the accompanying  
23 regulatory package.

24 DR. GREENBERG:

25 I'll make that motion.

1 DR. PARIS:

2 I'll second.

3 CHAIRMAN WEBER:

4 All in favor?

5 [The motion carried unanimously.]

6 \*\*\*

7 Report of Board Chair

8 [Robert B. Weber, D.P.M., Chairman, discussed home  
9 health prescribing issues. He noted problems with  
10 being a nonphysician when prescribing for patients in  
11 Health Partners. He suggested having Counsel  
12 representation on the affects to the public.

13 Dr. Paris referred to a letter from a network  
14 home physical therapy provider who would not honor any  
15 prescriptions from podiatrists regardless of the  
16 patient's insurance company. Chairman Weber suggested  
17 redefining procedures for classifying podiatrists as  
18 physicians. Dr. Greenberg suggested including  
19 podiatrists along with physicians.

20 Mr. Paris stated that Pennsylvania does not  
21 regard podiatrists as physicians, and Pennsylvania  
22 insurance plans, including all of the Medicaid plans,  
23 do not regard podiatrists as physicians.

24 Mr. Suter will confirm the Department of Human  
25 Services (DHS) guidelines regarding Health Partners.

1 He stated a physician is defined for Medical  
2 Assistance purposes under DHS Regulations, noting that  
3 changing the definition would not change reimbursement  
4 under their own regulations. Changing the definition  
5 of physician in one of the acts would not change the  
6 definition in the DHS regulations.

7 Mr. Suter referred to the Medical Care  
8 Availability and Reduction of Error (MCARE) Act, where  
9 physician is not defined but refers to healthcare  
10 practitioners as being "physicians." He explained  
11 that podiatrists have their own section in MCARE  
12 without all of the general provisions. If podiatrists  
13 were defined as physicians, podiatrist would be  
14 included within the entire MCARE Act.

15 Dr. Greenberg suggested approaching DHS to  
16 request the change within the DHS regulations  
17 permitting orders for physical therapy and wound care  
18 of the lower extremities include physicians and  
19 podiatrists. He suggested explaining to DHS that  
20 Pennsylvania has indigent patients and citizens who  
21 are not getting access to home wound care and home  
22 physical therapy for lower extremity problems.

23 Chairman Weber suggested to avoid any type of  
24 discrimination and encourage the recognition of  
25 podiatry through the proper channels.

1 Ms. Haluszczak questioned the possibility to make  
2 it nonhistorical and to change the definition going  
3 forward so that the acts that it affects would not be  
4 for the regulation, and the older definition would not  
5 be affected by the new change in the definition.

6 Mr. Suter stated from a legal perspective that it  
7 could create chaos and be detrimental in some respects  
8 to podiatrists. He noted complications with changing  
9 the general definition. Mr. Suter noted a conference  
10 call, where he explained the difficulty in changing a  
11 definition with Commissioner Harlow, Mr. Hollinger,  
12 and Dr. Weber.

13 Dr. Greenberg stated Mr. Suter would utilize the  
14 definition as discussed.]

15 DR. GREENBERG:

16 We are looking at a motion for  
17 Mr. Suter to address DHS to include  
18 podiatry as being allowed to write  
19 prescriptions for patients who are on  
20 Health Partners for home care for  
21 physical therapy, wound care, and  
22 durable medical equipment which goes  
23 along with physical therapy and wound  
24 care that directly affects the safety  
25 and welfare of indigent patients in



1 Pennsylvania.

2 Right now, those patients do not  
3 have access to prescriptions from  
4 podiatrists to have their wounds  
5 treated at home or to have physical  
6 therapy at home. We feel that this is  
7 a problem that needs to be remedied by  
8 including podiatry in DHS regulation.

9 Again, none of this involves any  
10 reimbursement issues that would flow to  
11 podiatrists. All of this is involving  
12 benefit to citizens of Pennsylvania.

13 DR. PARIS:

14 I'll second that.

15 CHAIRMAN WEBER:

16 All in favor? Any questions or any  
17 follow up with this? Any other input?

18 [The motion carried unanimously.]

19 \*\*\*

20 Report of Board Administrator

21 [Aaron Hollinger, Board Administrator, noted an  
22 application for licensure and a continuing education  
23 program approval application for discussion during  
24 Executive Session.]

25 \*\*\*

1 Board Meeting Dates

2 [Chairman Weber noted 2018 and 2019 Board meeting  
3 dates.]

4 CHAIRMAN WEBER:

5 Anybody want to make a motion to  
6 keeping the same format?

7 DR. PARIS:

8 I'll make the motion.

9 DR. GREENBERG:

10 I'll second that.

11 CHAIRMAN WEBER:

12 All in favor?

13 [The motion carried unanimously.]

14 \*\*\*

15 [Pursuant to Section 708(a)(5) of the Sunshine Act, at  
16 10:28 a.m. the Board entered into Executive Session  
17 with Kenneth J. Suter, Esquire, Board Counsel, for the  
18 purpose of conducting quasi-judicial deliberations.  
19 The Board returned to open session at 11:15 a.m.]

20 \*\*\*

21 [The Board recessed from 11:15 a.m. until 11:20 a.m.]

22 \*\*\*

23 MOTIONS

24 MR. SUTER:

25 We were in Executive Session, which has

1 now ended at approximately 11:20 a.m.  
2 The purpose of the Executive Session was  
3 for quasi-judicial deliberations.

4 Those quasi-judicial deliberations  
5 concerned Item No. 2 on the agenda, Item  
6 No. 3 on the agenda, Item No. 6 on the  
7 agenda, and Item No. 7 on the agenda.

8 Based upon the discussions in  
9 Executive Session, I understand the  
10 Board would like to make some motions  
11 starting with Item No. 2 on the agenda,  
12 which is File No. 15-44-09739.

13 DR. GREENBERG:

14 I make a motion to approve the consent  
15 agreement.

16 MS. HALUSZCZAK:

17 I second.

18 CHAIRMAN WEBER:

19 All in favor? Any discussion?

20 [The motion carried unanimously. That Consent  
21 Agreement was regarding Marc Benjamin Kamenitz,  
22 D.P.M.]

23 \*\*\*

24 MR. SUTER:

25 The next item that I understand there is

1 a motion on is Item No. 3, Richard Lee  
2 Spinner, D.P.M., File No. 15-44-14807.

3 MS. HALUSZCZAK:

4 I make a motion to delegate the proposed  
5 Adjudication and Order to a hearing in  
6 front of a hearing examiner and also  
7 request that one or more Board members  
8 attend the hearing.

9 CHAIRMAN WEBER:

10 Second on the motion?

11 DR. PARIS:

12 Second.

13 CHAIRMAN WEBER:

14 All in favor? Any questions?

15 [The motion carried unanimously.]

16 \*\*\*

17 MR. SUTER:

18 The next item was Item No. 6, Pamela R.  
19 Sauer, M.S., D.P.M. I understand there  
20 is a motion on that as well.

21 DR. PARIS:

22 I'll make a motion to approve her  
23 request to forego Part III of the  
24 Boards.

25 DR. GREENBERG:

1 I'll second that.

2 CHAIRMAN WEBER:

3 All in favor? Any questions?

4 [The motion carried unanimously.]

5 \*\*\*

6 DR. PARIS:

7 I'll make a motion to also approve her  
8 application.

9 DR. GREENBERG:

10 I'll second that.

11 CHAIRMAN WEBER:

12 All in favor?

13 [The motion carried unanimously.]

14 \*\*\*

15 MR. SUTER:

16 The last item was Item No. 7, the 2018  
17 International Foot & Ankle Conference,  
18 November 2-3, 2018. This is a  
19 continuing education program approval.

20 MS. HALUSZCZAK:

21 I make a motion to approve the program  
22 for the continuing education credits.

23 DR. PARIS:

24 Second.

25 CHAIRMAN WEBER:

1 All in favor? Any questions or  
2 discussion?

3 [The motion carried unanimously.]

4 \*\*\*

5 For the Board's Information/Discussion

6 [Chairman Weber noted parking space issues during  
7 Board meetings.

8 Mr. Hollinger will inform the commissioner's  
9 office of the situation.]

10 \*\*\*

11 Adjournment

12 CHAIRMAN WEBER:

13 If there are no other items to bring  
14 up, suggestions, proposals, ideas, I am  
15 going to ask for a motion for  
16 adjournment.

17 DR. GREENBERG:

18 Motion for adjournment.

19 DR. PARIS:

20 Second.

21 CHAIRMAN WEBER:

22 All in favor?

23 [The motion carried unanimously.]

24 \*\*\*

25 [There being no further business, the State Board of

1 Podiatry Meeting adjourned at 11:26 a.m.]

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CERTIFICATE

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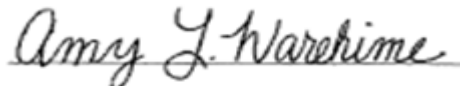
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I hereby certify that the foregoing summary  
8 minutes of the State Board of Podiatry meeting, was  
9 reduced to writing by me or under my supervision, and  
10 that the minutes accurately summarize the substance of  
11 the State Board of Podiatry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

12

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15

Amy L. Warehime,

16

Minute Clerk

17

Sargent's Court Reporting

18

Service, Inc.

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STATE BOARD OF PODIATRY  
REFERENCE INDEX

October 17, 2018

	TIME	AGENDA
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8		
9	9:40	Official Call to Order
10		
11	9:44	Approval of Minutes
12		
13	9:44	Report of Prosecutorial Division
14		
15	9:48	Report of Board Counsel
16		
17	9:48	Report of Regulatory Counsel
18		
19	9:58	Report of Board Chairman
20		
21	10:26	Report of Board Administrator
22		
23	10:28	Executive Session
24	11:15	Return to Open Session
25		
26	11:15	Recess
27	11:20	Return to Open Session
28		
29	11:20	Motions
30		
31	11:25	For the Board's Information/Discussion
32		
33	11:26	Adjournment
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