

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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: 9:29 a.m.

BOARD ROOM C

One Penn Center
2601 North Third Street
Harrisburg, PA 17110

Wednesday, October 18, 2017

1 ***

2 State Board of Podiatry

3 October 18, 2017

4 ***

5 The regularly scheduled meeting of the State
6 Board of Podiatry was held on Wednesday, October 18,
7 2017. Robert B. Weber, D.P.M., Chairman, called the
8 meeting to order at 9:29 a.m. Ian J. Harlow,
9 Commissioner of Professional and Occupational Affairs,
10 was not present at the commencement of the meeting.

11 ***

12 CHAIRMAN WEBER:

13 Motion to call the meeting to order?

14 DR. GERLAND:

15 So moved.

16 DR. SNELL:

17 Second.

18 CHAIRMAN WEBER:

19 Seconded. All in favor? Thank you.

20 [The motion carried unanimously.]

21 ***

22 Appointments

23 [Marcia Lammando, LifeGuard Program Director, informed
24 the Board that LifeGuard works with the Pennsylvania
25 State Medical Board and Board of Osteopathic Medicine,

1 as well as others. She reviewed the LifeGuard opioid
2 prescribing program.

3 Heather Wilson, Executive Director, The
4 Foundation of the Pennsylvania Medical Society,
5 addressed the Board regarding the relationship between
6 Physicians' Health Program (PHP) and LifeGuard. She
7 noted access to education through scholarships and
8 loans, the Physicians' Health Program, and LifeGuard.

9 Ms. Wilson stated that LifeGuard has a national
10 program to assist healthcare professionals who are
11 suffering from addiction. The individual must be
12 clean and sober before clinical assessment.

13 Ms. Lammando explained LifeGuard does mostly
14 clinical skills assessment for physicians. The opioid
15 prescribing course is basically for all providers who
16 have prescriptive authority for any kind of
17 medications, specifically controlled substances, and
18 opioids.

19 She discussed the core curriculum developed by
20 the LifeGuard staff. She noted a large faculty at
21 Texas A&M providing core curriculum development and
22 Penn Medicine for their opioids course.

23 Ms. Lammando explained the two-day onsite course
24 with basic concepts following the Pennsylvania
25 guidelines for opioid prescribing. She described

1 standardized patient sessions, evaluation of readiness
2 for practice change, practice monitoring, review of
3 records, observation of clinical practice, and
4 physician drug monitoring programs. The review is
5 conducted by a certified professional medical auditor
6 and specialty-specific LifeGuard faculty members.

7 She addressed unannounced inspections, fitness of
8 duty examination and assessments, functional capacity
9 evaluations, neurological evaluations, psychiatric
10 evaluations, and simulation assessments.

11 Mr. Jarabeck discussed the Prosecutorial
12 Division's review of cases, and one of the options
13 being LifeGuard when presenting a Consent Agreement.
14 In advance of that presentation, the case must be
15 accepted by LifeGuard. The LifeGuard program could be
16 ordered through a Board Order through the adjudicatory
17 process.

18 Dr. Gerland and Mr. Jarabeck discussed issues
19 involving the Probable Cause Committee.

20 Ms. Haluszczak stated the Probable Cause
21 Committee makes a decision on moving forward on issues
22 brought to the Committee by the Prosecutorial
23 Division.

24 Ms. Lammando addressed the clinical skills
25 assessment program regarding deficiencies. She stated

1 the case management team provides extensive and
2 comprehensive recommendations for either education,
3 further recordkeeping courses, and then a follow-up
4 audit is completed to determine whether those
5 particular courses have been of value and have
6 improved all of the deficiencies that were identified.

7 Ms. Wilson noted LifeGuard as a 501(c)(3) charity
8 nonprofit organization and at no cost to the Board.
9 Funding is provided by employers, Board referrals,
10 physicians and healthcare professionals, hospitals,
11 self-referrals, and attorneys.]

12 ***

13 [Ian J. Harlow, Commissioner of Professional and
14 Occupational Affairs, entered the meeting at
15 9:56 a.m.]

16 ***

17 Approval of Minutes of the August 16, 2017 meeting

18 CHAIRMAN WEBER:

19 Motion for approval of the last
20 meetings Minutes?

21 DR. PARIS:

22 So moved.

23 CHAIRMAN WEBER:

24 Second?

25 MS. HALUSZCZAK:

1 Second.

2 CHAIRMAN WEBER:

3 Thank you. All in favor?

4 [The motion carried unanimously.]

5 ***

6 Report of Prosecutorial Division

7 [Katherine Delp, Esquire, Board Prosecutor, presented
8 a Consent Agreement for File No. 16-44-10858.]

9 ***

10 Report of Board Counsel

11 [Peter Kovach, Esquire, Interim Board Counsel,
12 informed the Board that Kenneth Suter, Esquire, will
13 be taking over for the Board.]

14 Mr. Kovach noted the status of pending cases
15 before the Board. He mentioned disciplinary matters
16 and a listing of an automatic suspension and pending
17 reinstatement.]

18 ***

19 Report of Regulatory Counsel

20 [Peter Kovach, Esquire, Interim Board Counsel, updated
21 the Board on amendments to Act 48 regarding the
22 Schedule of Civil Penalties, which was published in
23 the Pennsylvania Bulletin and in effect.]

24 ***

25 Report of Board Chairman - No Report

1
2 Report of Commissioner
3 [Ian J. Harlow, Commissioner of Professional and
4 Occupational Affairs, informed the Board that
5 Secretary Cortés resigned and Executive Deputy
6 Secretary, Robert Torres, was now Interim Secretary.
7 Commissioner Harlow noted Board appointments with
8 several placeholders on the executive nomination
9 calendar but no real names.
10 He updated the Board on the PALS project. He
11 noted that the initial investment was roughly \$2.6
12 million, which was increased a few hundred thousand
13 dollars to invest in an automated self-help system.
14 Commissioner Harlow discussed the upcoming
15 meeting for the Chairs and Vice Chairs regarding an
16 Executive Order impacting the Bureau as requested by
17 the Governor's office. The process will be a six-
18 month fact-based study given to the Governor and
19 presented to the Boards for discussion.
20 Commissioner Harlow addressed a question
21 regarding the Commonwealth and whether there are any
22 obligations to the public other than having the title
23 of a state, as well as the responsibilities of the
24 Board to provide health and welfare to individuals.
25 He stated there is really no distinction between

1 the Commonwealth and the state in terms of duties and
2 liabilities that come from the federal level.]

3 ***

4 Report of Board Administrator

5 [Aaron Hollinger, Board Administrator, noted the
6 continuing education program approval to be discussed
7 in Executive Session.

8 Mr. Hollinger informed the Board of the proposed
9 2019 Board meeting dates for their review.]

10 ***

11 [Pursuant to Section 708(a)(5) of the Sunshine Act, at
12 10:13 a.m. the Board entered into Executive Session
13 with Peter Kovach, Esquire, Board Counsel, for the
14 purpose of conducting quasi-judicial deliberations and
15 to receive advice of Counsel on the matters upon which
16 the Board is about to vote. The Board returned to
17 open session at 10:32 a.m.]

18 ***

19 MOTIONS

20 MR. KOVACH:

21 Based on the Board's discussions in
22 Executive Session, I recommend a motion
23 to approve the Consent Agreement in
24 matter No. 2 of the agenda. It's File
25 No. 16-44-10858.

1 MS. HALUSZCZAK:

2 So moved.

3 DR. GERLAND:

4 Second.

5 CHAIRMAN WEBER:

6 All in favor? So moved.

7 [The motion carried unanimously. That matter involved
8 Kathalyn G. Frazier, D.P.M.]

9 ***

10 MR. KOVACH:

11 Moving down to No. 5 on the agenda, it
12 is the application for continuing
13 education credit filed by the
14 Pennsylvania Foot & Ankle Society for
15 their December 2, 2017 course.

16 Based on the Board's discussions in
17 Executive Session, I would recommend a
18 motion approving that application.

19 DR. SNELL:

20 Motion.

21 DR. PARIS:

22 Second.

23 CHAIRMAN WEBER:

24 All in favor? So moved. Thank you.

25 [The motion carried unanimously.]

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Adjournment

DR. GERLAND:

Motion to adjourn.

DR. SNELL:

Second.

CHAIRMAN WEBER:

All in favor? So moved.

[The motion carried unanimously.]

[There being no further business, the State Board of
Podiatry meeting adjourned at 10:35 a.m.]

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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.

Amy L. Warehime

Amy L. Warehime,

Minute Clerk

Sargent's Court Reporting
Service, Inc.

STATE BOARD OF PODIATRY
REFERENCE INDEX
October 18, 2017

	TIME	AGENDA
1		
2		
3		
4		
5		
6		
7	9:29	Official Call to Order
8		
9	9:30	Appointments - Marcia Lammando and Heather Wilson, LifeGuard
10		
11		
12	9:56	Approval of Minutes
13		
14	9:57	Report of Prosecutorial Division
15		
16	10:00	Report of Board Counsel
17		
18	10:01	Report of Regulatory Counsel
19		
20	10:04	Report of Commissioner
21		
22	10:11	Report of Board Administrator
23		
24	10:13	Executive Session
25	10:32	Return to Open Session
26		
27	10:33	Motions
28		
29	10:35	Adjournment
30		
31		
32		
33		
34		
35		
36		
37		
38		
39		
40		
41		
42		
43		
44		
45		
46		
47		
48		
49		
50		