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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: 10:30 A.M.

Held at

**PENNSYLVANIA DEPARTMENT OF STATE**

2601 North Street

One Penn Center, Board Room C

Harrisburg, Pennsylvania 17110

as well as

**VIA MICROSOFT TEAMS**

Wednesday, October 19, 2022

State Board of Podiatry  
October 19, 2022

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BOARD MEMBERS:

Arion R. Claggett, Acting Commissioner, Bureau of Professional and Occupational Affairs  
Michael J. Paris, D.P.M., M.B.A., Chairman  
Robert B. Weber, D.P.M., J.D., M.B.A., Vice Chairman  
Dia D. McCaughan, D.P.M., Secretary  
Eric B. Greenberg, D.P.M., J.D.  
William D. Fetchik, D.O.

BUREAU PERSONNEL:

Carole Clarke Smith, Esquire, Board Counsel  
Carolyn DeLaurentis, Deputy Chief Counsel, Prosecution Division  
Todd P. Kriner, Esquire, Board Counsel  
Timothy J. Henderson, Esquire, Board Prosecution Liaison  
Paul J. Jarabeck, Esquire, Senior Board Prosecutor  
Nichole Wray, Board Administrator  
Marc Farrell, Deputy Policy Director, Department of State  
Danie Bendesky, Director of Intergovernmental Affairs, Department of State

BUREAU PERSONNEL:

Christopher K. McNally, Esquire, Attorney-at-Law, Professional Licensing Advocate  
Michele Ann McGinnis

1 \*\*\*

2 State Board of Podiatry

3 October 19, 2022

4 \*\*\*

5 [Pursuant to Section 708(a)(5) of the Sunshine Act,  
6 at  
7 10:00 a.m. the Board entered into Executive Session  
8 with Todd P. Kriner, Esquire, Board Counsel, for the  
9 purpose of conducting quasi-judicial deliberations  
10 and to have attorney-client consultation. The Board  
11 returned to open session at 10:30 a.m.]

12 \*\*\*

13 The regularly scheduled meeting of the State  
14 Board of Podiatry was held on Wednesday, October 19,  
15 2022. Michael J. Paris, D.P.M., M.B.A., Chairman,  
16 called the meeting to order at 10:30 a.m.

17 \*\*\*

18 Roll Call/Introduction of Attendees

19 [Nichole Wray, Board Administrator, provided an  
20 introduction of the Board members, staff, and  
21 audience in attendance. She noted Dr. Eric Greenberg  
22 was attempting to log in.

23 Ms. Wray also reminded everyone that the meeting  
24 was being recorded, and voluntary participation  
25 constituted consent to be recorded.]

1 \*\*\*

2 Approval of minutes of the August 17, 2022 meeting

3 CHAIRMAN PARIS:

4 We will go on to approval of minutes. We  
5 all have had the minutes from the August  
6 17 meeting in our inbox for a while.

7 Does anyone have anything that they would  
8 like to discuss regarding the minutes?

9 If not, if we could get a motion to  
10 approve the minutes?

11 DR. WEBER:

12 So moved.

13 MR. KRINER:

14 Second?

15 DR. MCCAUGHAN:

16 I second the motion.

17 CHAIRMAN PARIS:

18 Could we have a roll call vote on this  
19 motion?

20  
21 Mr. Claggett, aye; Dr. Paris, aye; Dr.  
22 Weber, aye; Dr. McCaughan, aye; Dr.  
23 Fetchik, aye.

24 [The motion carried unanimously.]

25 \*\*\*

1 Report of Prosecutors - No Report

2 \*\*\*

3 Report of Board Counsel - Other

4 [Todd P. Kriner, Esquire, Board Counsel, noted the  
5 Board engaged in quasi-judicial deliberations during  
6 Executive Session on one matter listed on the agenda.  
7 He had nothing specific to offer other than item 3 on  
8 the agenda, where Mr. Kansky was granted an extension  
9 and the Board would await the issues raised at his  
10 appeal.]

11 \*\*\*

12 Report of Regulatory Counsel - Regulatory Status  
13 Report

14 [Todd P. Kriner, Esquire, Board Counsel, noted 16A-  
15 449 regarding acupuncture is under departmental  
16 review.

17 Mr. Kriner noted the proposed regulatory package  
18 for 16A-4419 regarding licensure by endorsement and  
19 qualifications for licensure is also under  
20 departmental review.

21 Mr. Kriner referred to 16A-4418 regarding  
22 administration and prescription of drugs. He  
23 mentioned the Board is going to combine the  
24 continuing education (CE) discussed at previous  
25 meetings and incorporate the carryover of 10 biennial

1 credits. He noted prior discussion regarding  
2 Achieving Better Care by Monitoring All Prescriptions  
3 Program (ABC-MAP) opioid education. He informed  
4 Board members that the annex he drafted requires  
5 further review and is hoping to provide that to the  
6 Board at the December meeting.

7 Mr. Kriner noted the proposed regulatory package  
8 for 16A-448 regarding sexual misconduct is under  
9 departmental review.

10 Mr. Kriner referred to 16A-4411 regarding  
11 volunteer license, noting it may not have been  
12 addressed for a long time and would provide more  
13 information at the next meeting.

14 Mr. Kriner referred to 16A-4412 regarding child  
15 abuse reporting requirements. He informed Board  
16 members that he is revising the proposed rulemaking  
17 to reflect numerous changes requested by the  
18 Independent Regulatory Review Commission (IRRC).

19 Mr. Kriner provided the draft annex for 16A-XXXX  
20 regarding radiographic assistants with the changes  
21 discussed at a prior meeting. He noted the Board  
22 already approved the State Board of Medicine, State  
23 Board Osteopathic Medicine, and State Board of  
24 Chiropractic Exams but did not decide whether they  
25 wanted to add the Board of Dentistry Exam to the

1 regulation at § 29.82(a)(2) until they could review  
2 that further.

3 Chairman Paris referred to § 29.83(b) and asked  
4 why "address indicated on the application materials"  
5 and "examination administrator" was changed to  
6 "testing service" because he preferred the original  
7 language to leave it open to organizations that are  
8 not necessarily a testing service.

9 Mr. Kriner stated the section was being changed  
10 because the Board does not administer the test and  
11 came from the way it was before, where the forms were  
12 submitted to the Board on Board forms. He noted the  
13 Board does not have to do that and is why he took it  
14 out but offered to look at the language and provide a  
15 more general term.

16 Chairman Paris referred to § 29.82(3), the person  
17 has passed an examination approved and administered  
18 by the Board and (b) the podiatrist is not required  
19 to be there. He commented that the Board does not  
20 need to define how one would present an examination  
21 to the Board. He asked whether this leaves the door  
22 open for an organization, such as Temple University,  
23 to send a test to the Board requesting approval.

24 Chairman Paris also asked whether it would leave  
25 the door open to someone presenting the dental exam

1 to the Board and petitioning the Board to approve the  
2 dental exam.

3 Mr. Kriner noted that it would not leave the door  
4 open because the person has to pass an examination  
5 approved by the Board.

6 Chairman Paris commented that (3) may not be  
7 necessary because (1) and (2) spell out the boards  
8 that they are approving.

9 Mr. Kriner stated (3) is just for personnel  
10 performing radiographic procedures, where they had to  
11 have passed an examination approved by the Board.

12 Chairman Paris referred to (a), if one of the  
13 following applies (1), (2), or (3), where (1) and (2)  
14 spell out the boards they are allowing and (3) may be  
15 left open to other organizations like Temple to  
16 develop a great examination.

17 Chairman Paris stated Temple is not overseen by  
18 the Board of Osteopathic Medicine, Board of  
19 Chiropractic, or Board of Medicine and do not follow  
20 the American Registry of Radiographic Technologists  
21 (ARRT). He commented that the American Society of  
22 Podiatric Medical Assistants (ASPMA) is not involved  
23 with Temple and interpreted (3) to read the Board  
24 could approve tests if Temple sent their tests to the  
25 Board, like different programs that send their



1 agendas for approval.

2 Dr. McCaughan suggested specifying for  
3 clarification that the test is preapproved by the  
4 Board before it is administered, so someone could not  
5 submit a test that has already been completed but has  
6 not even been approved by the Board.

7 Chairman Paris commented that a fairly large  
8 percentage of podiatrists cannot get their assistants  
9 involved with the ASPMA if they do not belong to the  
10 Pennsylvania Podiatric Medical Association (PPMA).  
11 He addressed information he found on the ARRT  
12 website, where someone would have to have an  
13 associate degree and go through certain training  
14 programs to qualify for their tests, and a podiatrist  
15 trying to get his assistant approved through ARRT  
16 probably would not happen.

17 Chairman Paris referred to (2), where they have  
18 the Board of Osteopathic Medicine, Board of  
19 Chiropractic, and Board of Medicine but still does  
20 not open too many doors for podiatrists who do not  
21 have a membership in the PPMA and who are not going  
22 to make their assistants get an associate degree just  
23 so they can take X-rays in their office.

24 Mr. Kriner mentioned that the purpose for (3) was  
25 that the Board would have the ability to vote and

1 approve the exam if Temple or another organization  
2 presented to the Board. He suggested removing "and  
3 administered" and interpreted the Board's comments  
4 and concerns to be to make sure the Board has the  
5 ability to be able to vote and approve the exam if  
6 presented with an exam from another agency. He  
7 informed Board members that he would make the  
8 language more specific, where the Board is able to  
9 approve and preapprove exams.

10 Mr. Kriner provided an update on the legislative  
11 initiative regarding recognizing podiatrists as  
12 physicians, noting it is still under departmental  
13 review and would follow up on that at the next  
14 meeting.]

15 \*\*\*

16 Report of Board Chair

17 [Michael J. Paris, D.P.M., M.B.A., Chairman, thanked  
18 Dr. McCaughan, Dr. Greenberg, and Dr. Fetchik for the  
19 work they have been doing compiling an up-to-date  
20 list of prescription drugs administered by  
21 podiatrists.

22 Chairman Paris addressed a question from  
23 podiatrists requesting information regarding whether  
24 they are allowed to order handicapped license plates  
25 and placards for patients. He asked whether Mr.

1 Kriner or Ms. Wray would be able to provide some  
2 information from their regulations or somewhere in  
3 the state regulations as far as which practitioners  
4 can sign the orders.

5 Chairman Paris emphasized the importance of  
6 podiatrists being able to provide license plates and  
7 placards to their patients since many of their  
8 patients become disabled in the lower extremities  
9 because of infection, injury, and surgery.

10 Mr. Kriner offered to look into whether  
11 podiatrists have the authority to order license  
12 plates and placards for people with disabilities.

13 Mr. Kriner asked Board members how close they are  
14 to having him incorporate the therapeutic drugs list  
15 into 16A-4418.

16 Dr. McCaughan informed Mr. Kriner that the list  
17 is not finalized yet but offered to provide what is  
18 available for review.

19 Mr. Kriner suggested allowing him to review  
20 everything, along with regulatory counsel, so they  
21 can work together to make sure it is acceptable to  
22 the Board.

23 Dr. McCaughan asked whether this was the  
24 appropriate time to bring up podiatrists being able  
25 to administer vaccinations for influenza, COVID, and

1 medical cannabis, or have the ability to certify a  
2 patient meets the criteria for medical cannabis.

3 Mr. Kriner stated a separate certificate would be  
4 needed to prescribe medical cannabis and did not  
5 believe medical cannabis falls into that category but  
6 may in the future.

7 Dr. McCaughan addressed a medical cannabis course  
8 she took about four years ago. She stated the job of  
9 the provider is to certify the patient meets one of  
10 six or seven criteria for either chronic pain or  
11 other condition and believed one or two of those  
12 applied to podiatry. She explained that once a  
13 patient receives certification and a card, they take  
14 that to a medical cannabis dispensing facility and  
15 meet with a few professionals.

16 Dr. McCaughan further explained that a pharmacist  
17 discusses their issues and comes up with the specific  
18 formulation or combination of cannabis, whether it be  
19 cannabidiol (CBD) or a combination of CBD with  
20 tetrahydrocannabinol (THC) that needs to be  
21 prescribed and prescribes the specific medication.  
22 She commented that is not the podiatrist's role to  
23 come up with the formulation but to make sure the  
24 patient meets the criteria of chronic pain and refer  
25 them from there.

1 Dr. McCaughan commented that the vaccines are a  
2 concern of public health, where CVS and Rite Aid are  
3 overwhelmed trying to administer medications and  
4 provide vaccinations. She mentioned that there is a  
5 public push promoting the vaccinations and COVID  
6 boosters and believed it would be in the public's  
7 best interest for podiatrists to be able to  
8 administer since some patients do not see their  
9 family doctor as routinely as they see their  
10 podiatrist.

11 Dr. McCaughan commented that if the vaccine needs  
12 to be something specific or it needs to be kept off  
13 the list that either could be done.

14 Mr. Kriner offered to follow up with Board  
15 members regarding whether vaccinations and cannabis  
16 could be included in the list or is a separate  
17 issue.]

18 \*\*\*  
19 Report of Acting Commissioner - No Report

20 \*\*\*  
21 Report of Board Administrator - Other  
22 [Nichole Wray, Board Administrator, informed  
23 licensees that they should be receiving a renewal  
24 notice email within the next couple of weeks  
25 regarding the licenses that expire on December 31,

1 2022. She noted they would also be receiving a 30-  
2 day and 15-day reminder. She mentioned that anyone  
3 who does not have an email address on file or the  
4 email returns undeliverable would be sent a paper  
5 renewal notice.]

6 \*\*\*

7 For the Board's Information/Discussion - Board  
8 Meeting

9 Dates

10 [Michael J. Paris, D.P.M., M.B.A., Chairman, noted  
11 2022 and 2023 Board meeting dates for the Board's  
12 review.]

13 \*\*\*

14 For the Board's Information/Discussion - Old  
15 Business/New Business - Medical Malpractice  
16 Insurance Providers

17 [Nichole Wray, Board Administrator, provided updates  
18 concerning medical malpractice insurance providers.  
19 She informed Board members that she is awaiting  
20 additional feedback from the Pennsylvania Department  
21 of Insurance. She reported not being able to find  
22 anything specific regarding medical malpractice on  
23 their website but found an area for license  
24 verification and insurance provider lookup, although  
25 it seemed to be tailored more toward health and car

1 insurance, not necessarily specific to medical  
2 malpractice.

3 Ms. Wray noted finding an old list of providers  
4 that were specific to medical malpractice from 2013  
5 and looking into whether there is an updated list and  
6 how often it is updated. She stated anyone who  
7 cannot find an insurance company through their  
8 license verification or wants to confirm the status  
9 of an insurance company could contact the  
10 Pennsylvania Department of Insurance Office of  
11 Corporate and Financial Regulation at 717-787-2735 or  
12 by email at ra-in-company@pa.gov.

13 Chairman Paris requested having a link to the  
14 Board's website.

15 Ms. Wray explained that they are currently in a  
16 transition and are unable to make updates immediately  
17 to the website but should be able to make updates and  
18 have more information publicly available to licensees  
19 on the Board's website within the next week or two.

20 Acting Commissioner Claggett informed Board  
21 members that the Pennsylvania Department of Insurance  
22 reached out to him during the meeting and would be  
23 calling him to discuss all of the issues. He offered  
24 to provide information at the next Board meeting.

25 Dr. Weber commented that not only podiatrists but

1 other physicians are not aware of having a choice as  
2 far as occurrence and tail, especially the young  
3 podiatrists who start working for groups and they  
4 want to put them on the least expensive insurance.  
5 He noted it to be their obligation to explain the  
6 difference to licensees.

7 Mr. Kriner stated he would not see it as an  
8 obligation but something to discuss further or have  
9 someone present educational information at a Board  
10 meeting.

11 Chairman Paris commented that malpractice  
12 insurance is something the state association should  
13 be on top of too as far as educating the podiatrists  
14 of Pennsylvania.

15 Ms. Wray mentioned that the presentation would be  
16 on public record, where it would be available on  
17 their website and in the minutes for anyone who  
18 wanted to look at what was discussed. She noted that  
19 a copy of the presentation could be posted as well.

20 Dr. Weber stated many podiatrists are not members  
21 of the state association and read plans from other  
22 insurance companies and how they could save money but  
23 do not realize what could happen. He noted the  
24 importance of making licensees aware that it is their  
25 choice and the differences in insurance.



1           Acting Commissioner Claggett offered to present  
2 the matter internally to obtain the correct course of  
3 action and maybe send out an email blast to the  
4 licensee population.]

5

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6 Miscellaneous

7 [Eric B. Greenberg, D.P.M., J.D., informed Board  
8 members that he had been listening to the meeting as  
9 a guest. He commented that the purpose of a link to  
10 share the insurance is so practitioners can see the  
11 admitted companies that write for insurance in  
12 Pennsylvania; otherwise, they would never know  
13 because there are a lot of appointed actuaries (AAs)  
14 and American Academy of Actuaries (AAA) that have  
15 very small programs, where they write for insurance  
16 but nobody knows about it and are admitted here.

17           Dr. Greenberg stated the most cost-effective  
18 insurance in many counties for nonsurgical  
19 podiatrists is the Joint Underwriting Association  
20 (JUA). He noted JUA was the only insurer for  
21 podiatrists at one time but changed with the addition  
22 of private companies. He mentioned JUA remained as  
23 the insurer of last resort, which primarily functions  
24 for other medical boards, where a physician cannot  
25 get an insurance with a private company and go to

1 JUA.

2 Dr. Greenberg explained that JUA also has an  
3 active program for a podiatrist who does not have a  
4 problem with claims and for those who do have some  
5 claims for nonsurgical practices but that it is very  
6 cost effective. He noted the importance of  
7 podiatrists being aware of JUA, along with  
8 Cincinnati, MedPro, PICA and included on the list  
9 held by the insurance board for companies that  
10 provide malpractice insurance for podiatrists. He  
11 commented that a simple link to the insurance board  
12 is needed for licensees to be able to see all of the  
13 admitted insurance companies and reasons why it is so  
14 important for licensees to be insured by an admitted  
15 insurance company, along with explaining whether they  
16 are occurrence or claims-made policies and the  
17 difference.

18 Dr. Greenberg noted hearing Mr. Kriner's comments  
19 concerning legislative feedback regarding the  
20 definition of podiatry and Dr. McCaughan's and Ms.  
21 Wray's comments concerning the list of medications.  
22 He acknowledged all of Dr. McCaughan's hard work  
23 compiling the list.]

24

\*\*\*

25 Adjournment

1 CHAIRMAN PARIS:

2                   If nobody has anything else, I think we  
3                   could use a motion to adjourn this  
4                   meeting.

5 DR. WEBER:

6                   So moved.

7 DR. GREENBERG:

8                   I'll second that motion.

9 CHAIRMAN PARIS:

10                   We are adjourned. Thank you everyone.

11                                           \*\*\*

12 [There being no further business, the State Board of  
13 Podiatry Meeting adjourned at 11:19 a.m.]

14                                           \*\*\*

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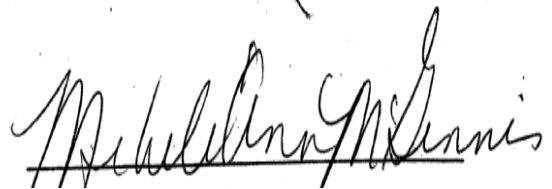
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CERTIFICATE

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.



Michele Ann McGinnis,  
Minute Clerk  
Sargent's Court Reporting  
Service, Inc.

STATE BOARD OF PODIATRY  
REFERENCE INDEX

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TIME	AGENDA
10:00	Executive Session
10:30	Return to Open Session
10:30	Official Call to Order
10:31	Roll Call/Introduction of Attendees
10:31	Approval of Minutes
10:33	Report of Board Counsel
10:34	Report of Regulatory Counsel
10:51	Report of Board Chair
11:02	Report of Acting Commissioner
11:02	Report of Board Administrator
11:03	For the Board's Information/Discussion
11:14	Miscellaneous
11:19	Adjournment