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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: 9:28 a.m.

BOARD ROOM B

One Penn Center

2601 North Third Street

Harrisburg, PA 17110

Wednesday, December 20, 2017

State Board of Podiatry
December 20, 2017

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BOARD MEMBERS:

- Robert B. Weber, D.P.M., Chairman
- Kathryn L. Waters, Deputy Commissioner of Professional and Occupational Affairs
- Michael J. Paris, D.P.M., Secretary
- Jeffrey S. Gerland, D.P.M.
- Eric B. Greenberg, D.P.M.
- Melissa Haluszczak, Public Member - Absent
- Edward D. Snell, M.D.

BUREAU PERSONNEL:

- Kenneth J. Suter, Esquire, Board Counsel
- Peter Kovach, Esquire, Board Counsel
- Ariel O'Malley, Esquire, Board Counsel
- Paul J. Jarabeck, Esquire, Board Prosecution Liaison
- Katherine Delp, Esquire, Board Prosecutor
- Aaron Hollinger, Board Administrator

1 ***

2 State Board of Podiatry

3 December 20, 2017

4 ***

5 The regularly scheduled meeting of the State
6 Board of Podiatry was held on Wednesday, December 20,
7 2017. Robert B. Weber, D.P.M., Chairman, called the
8 meeting to order at 9:28 a.m. Kathryn L. Waters,
9 Deputy Commissioner of Professional and Occupational
10 Affairs, was not present at the commencement of the
11 meeting.

12 ***

13 Approval of Minutes of the October 18, 2017 meeting
14 CHAIRMAN WEBER:

15 If everybody has looked over the
16 Minutes, I'd like to have an approval of
17 Minutes.

18 DR. GREENBERG:

19 I approve the Minutes.

20 DR. PARIS:

21 I'll second.

22 CHAIRMAN WEBER:

23 All in favor? Thank you.

24 [The motion carried unanimously.]

25

1 Report of Prosecutorial Division

2 [Katherine Delp, Esquire, Board Prosecutor, presented
3 the following VRP Consent Agreements: File No. 15-44-
4 09469, File No. 15-44-13074, and File No. 15-44-
5 14313.]

6 ***

7 [Kathryn L. Waters, Deputy Commissioner, entered the
8 meeting at 9:37 a.m.]

9 ***

10 Report of Board Counsel

11 [Kenneth Suter, Esquire, Board Counsel, introduced
12 himself to the Board members.

13 Mr. Suter discussed the Shinal vs. Toms case
14 regarding informed consent and the Medical Care
15 Availability and Reduction of Error (MCARE) Act.]

16 ***

17 Report of Regulatory Counsel - No Report

18 ***

19 Report of Board Chairman

20 [Chairman Weber discussed patients with infections on
21 their fingers and toes from manicures and pedicures.
22 He suggested presenting documentation to the
23 Cosmetology Board in an ethical manner regarding
24 sterilization of instruments with the use of an
25 autoclave as opposed to the current process.

1 Mr. Suter discussed information provided to the
2 Commissioner's office and forwarded to Board Counsel.
3 He stated the Cosmetology Board would have to draft
4 regulations on the matter, which could take several
5 years.

6 Ms. Waters suggested that Chairman Weber speak to
7 the Board in order to provide information that would
8 allow the Cosmetology Board to decide the best
9 approach.]

10 ***

11 Report of Commissioner

12 [Kathryn L. Waters, Deputy Commissioner of
13 Professional and Occupational Affairs, updated the
14 Board on the Executive Order 2017-03 signed by
15 Governor Wolf on October 24, 2017. Ms. Waters stated
16 92 percent of the 29 Board and Commission members
17 completed the survey. She also commented on the
18 Advisory Committee consisting of four legislative
19 representatives, two healthcare representatives, two
20 business representatives, a Commonwealth
21 representative, Policy Director from the Department of
22 State, Policy Analyst from Governor Wolf's office, and
23 the Deputy Attorney General with the Office of
24 Attorney General.]

25 ***

1 Report of Board Administrator - No Report

2 ***

3 Continuing Education Program Approval

4 [Aaron Hollinger, Board Administrator, noted the
5 continuing education program approval for discussion
6 in Executive Session.]

7 ***

8 Board Meeting Dates

9 [Aaron Hollinger, Board Administrator, requested the
10 approval of the proposed 2019 Board meeting dates.]

11 CHAIRMAN WEBER:

12 Do I have a motion to accept those
13 dates?

14 DR. PARIS:

15 I'll make the motion.

16 CHAIRMAN WEBER:

17 Second?

18 DR. GERLAND:

19 Second.

20 CHAIRMAN WEBER:

21 All in favor? So passed.

22 [The motion carried unanimously.]

23 ***

24 [Pursuant to Section 708(a)(5) of the Sunshine Act, at
25 10:03 a.m. the Board entered into Executive Session

1 with Kenneth Suter, Esquire, Board Counsel, for the
2 purpose of conducting quasi-judicial deliberations and
3 to receive advice of Counsel on the matters upon which
4 the Board is about to vote. The Board returned to
5 open session at 10:48 a.m.]

6

7 [Kathryn L. Waters, Deputy Commissioner, exited the
8 meeting during Executive Session.]

9

10 MOTIONS

11 MR. SUTER:

12 The first matter was Item No. 2 on the
13 Board's agenda. It was File No. 15-44-
14 09469.

15 Based upon the Board's discussions
16 in Executive Session, I recommend a
17 motion to approve the Consent Agreements
18 in the following matters: Item 2 on the
19 agenda, File No. 15-44-09469, and Item 3
20 on the agenda, File No. 15-44-13074.

21 Is there a motion to approve?

22 DR. GERLAND:

23 So moved.

24 DR. PARIS:

25 Second.

1 CHAIRMAN WEBER:

2 All in favor? So moved.

3 [The motion carried unanimously. The Respondent's
4 name for File No. 15-44-09469 is Sharon Louise
5 Pletcher, D.P.M. The Respondent's name for File No.
6 15-44-13074 is Terry Hugh Clarke, D.P.M.]

7 ***

8 MS. O'MALLEY:

9 Moving on to Item No. 4 of your agenda,
10 noting that Board Counsel, Kenneth
11 Suter, has to be recused on this matter,
12 based on conversations in Executive
13 Session, I believe the Board would
14 entertain a motion to accept the Consent
15 Agreement at Item No. 4 under File No.
16 15-44-14313 as the final decision of
17 this matter.

18 Is there a motion?

19 DR. PARIS:

20 I'll make the motion.

21 DR. SNELL:

22 Second.

23 CHAIRMAN WEBER:

24 All in favor? So moved.

25 [The motion carried. Kenneth Suter was recused from

1 discussions on the matter. The Respondent's name for
2 File No. 15-44-14313 is David Todoroff, D.P.M.]

3 ***

4 MR. SUTER:

5 One last item that was discussed in
6 Executive Session and based upon the
7 Board's discussions in Executive
8 Session, I would recommend a motion to
9 approve the Continuing Education Program
10 of Item 6 on the agenda, Aria Jefferson
11 Grand Rounds, for December 21, 2017.

12 Is there such a motion?

13 DR. GREENBERG:

14 Motion.

15 DR. PARIS:

16 Second.

17 CHAIRMAN WEBER:

18 All in favor? So moved.

19 [The motion carried unanimously.]

20 ***

21 Adjournment

22 CHAIRMAN WEBER:

23 Are there any other type of issues or
24 recommendations the Board would like to
25 present?

1 DR. GERLAND:

2 Motion to adjourn.

3 DR. PARIS:

4 Second.

5 CHAIRMAN WEBER:

6 All in favor? So moved.

7 [The motion carried unanimously.]

8 ***

9 [There being no further business, the State Board of
10 Podiatry meeting adjourned at 10:52 a.m.]

11 ***

12

13 CERTIFICATE

14

15 I hereby certify that the foregoing summary
16 minutes of the State Board of Podiatry meeting, was
17 reduced to writing by me or under my supervision, and
18 that the minutes accurately summarize the substance of
19 the State Board of Podiatry meeting.

20

21



22

Adam Beck,

23

Minute Clerk

24

Sargent's Court Reporting

25

Service, Inc.

STATE BOARD OF PODIATRY
REFERENCE INDEX
December 20, 2017

| | TIME | AGENDA |
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| 1 | | |
| 2 | | |
| 3 | | |
| 4 | | |
| 5 | | |
| 6 | | |
| 7 | 9:28 | Official Call to Order |
| 8 | | |
| 9 | 9:29 | Approval of Minutes |
| 10 | | |
| 11 | 9:29 | Report of Prosecutorial Division |
| 12 | | |
| 13 | 9:40 | Report of Board Counsel |
| 14 | | |
| 15 | 9:49 | Report of Board Chairman |
| 16 | | |
| 17 | 9:57 | Report of Commissioner |
| 18 | | |
| 19 | 10:01 | Miscellaneous/Discussion |
| 20 | | |
| 21 | 10:03 | Executive Session |
| 22 | 10:48 | Return to Open Session |
| 23 | | |
| 24 | 10:49 | Motions |
| 25 | | |
| 26 | 10:52 | Adjournment |
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