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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, April 17, 2019

State Board of Podiatry
April 17, 2019

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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
- Kalonji Johnson, Acting Commissioner, Bureau of Professional and Occupational Affairs
- Melissa Haluszczak, Public Member

BUREAU PERSONNEL:

- Kenneth J. Suter, Esquire, Board Counsel
- Codi M. Tucker, Esquire, Board Prosecution Liaison
- Christopher K. McNally, Esquire, Board Prosecutor
- Paul J. Jarabeck, Esquire, Senior Prosecutor in Charge
- Aaron Hollinger, Board Administrator
- Kimberly Adams, Chief of Fiscal Management, Bureau of Finance and Operations
- Amanda Richards, Fiscal Management Specialist 2, Bureau of Finance and Operations

ALSO PRESENT:

- Charles Hartwell, Esquire, Dethlefs-Pykosh Law Group

1 ***

2 State Board of Podiatry

3 April 17, 2019

4 ***

5 The regularly scheduled meeting of the State
6 Board of Podiatry was held on Wednesday, April 17,
7 2019. Robert B. Weber, D.P.M., Chairman, called the
8 meeting to order at 9:31 a.m.

9 ***

10 CHAIRMAN WEBER:

11 Could I have a motion to bring this
12 meeting to order?

13 DR. GREENBERG:

14 Second.

15 CHAIRMAN WEBER:

16 All in favor?

17 [The motion carried unanimously.]

18 ***

19 Approval of Minutes of the October 17, 2018 meeting

20 CHAIRMAN WEBER:

21 Anybody have any comments in regard to
22 any past minutes before we do an
23 approval? Any issues that should be
24 brought up?

25 Could I have a motion from the

1 floor in regard to approval of the
2 minutes?

3 DR. PARIS:

4 I'll make that motion.

5 CHAIRMAN WEBER:

6 Second?

7 MS. HALUSZCZAK:

8 I'll second.

9 CHAIRMAN WEBER:

10 All in favor?

11 [The motion carried unanimously.]

12 ***

13 Report of Prosecutorial Division

14 [Christopher K. McNally, Esquire, Board Prosecutor,
15 presented the Consent Agreement for File No. 16-44-
16 11947.]

17 ***

18 Report of Board Counsel

19 [Kenneth J. Suter, Esquire, Board Counsel, addressed
20 the Sports Medicine Licensure Clarity Act, which is a
21 federal act that allows health care professionals who
22 travel to another state with an athletic team to
23 provide medical care for that team within the scope of
24 the license in their home state. He also commented
25 that the act was not very clear on whether the home

1 state or the visiting state would enforce the act.

2 Mr. Suter provided an overview of the Sunshine
3 Act, which is to protect the right of the public to be
4 present at all meetings of all agencies.

5 Mr. Suter addressed official action and recording
6 of votes. He cautioned Board members to be mindful to
7 not discuss agency business outside of the meeting.

8 Mr. Suter provided an overview of recusal
9 guidelines and the discretionary requirements. Mr.
10 Suter suggested Board members contact him if they are
11 uncertain of whether to recuse or not.]

12 ***

13 Appointment - Bureau of Finance and Operations Annual
14 Budget Presentation

15 [Amanda Richards, Fiscal Management Specialist 2,
16 introduced herself and Kimberly Adams, Chief of Fiscal
17 Management, Bureau of Finance and Operations.

18 Ms. Richards addressed licensee population from a
19 revenue standpoint. She commented that the Board's
20 renewal years were FY 2014-2015 with a total of 1,440
21 licensees, FY 2016-2017 at 1,617 licensees, and
22 currently at 1,439 licensees for FY 2018-2019. She
23 noted a decrease of 178 licensees from the last
24 renewal.

25 Chairman Weber requested another check in July or

1 August to be highlighted for the next two meetings.

2 Ms. Richards stated 96.47% of revenue was from
3 renewals and applications and noted the current
4 biennial total.

5 Chairman Weber questioned whether inactive
6 licensees affect the Board. Ms. Adams commented that
7 only active licensees are counted to calculate revenue
8 because inactive licensees are not putting any revenue
9 into the Board. Mr. Hollinger further commented that
10 no correspondence is sent to individuals with inactive
11 licenses, so no time or money is spent by the Board.

12 Ms. Richards reviewed the categorical breakdown
13 of administrative and legal expenses. She stated
14 expenses incur from direct charges, timesheet-based
15 charges, and license population. She stated
16 categories are broken down into administrative and
17 legal costs. She noted expenses for FY 2016-2017 and
18 FY 2017-18, the FY 2018-2019 budget, and the FY 2018-
19 2019 expenses as of 04/01/19. She also noted a recent
20 increase in expenses. She commented that the Board
21 was on track with expenses to meet the budget
22 requested for FY 2018-2019.

23 Chairman Weber questioned whether criminal issues
24 would be picked up by a different department or budget
25 rather than the Board's budget. He also questioned

1 what would happen regarding Medicaid fraud issues.

2 Mr. Jarabeck explained that there usually is not
3 concurrent jurisdiction. He stated the federal
4 government has the ability to imprison and can get
5 three times the damages back as part of their program.
6 He mentioned that prosecution actively engaged in an
7 investigation will cease and desist if asked, and all
8 operational costs associated with that case would end
9 until the federal office responds. He commented that
10 Medicaid is mostly state funded, but there is still
11 federal money coming in also.

12 Dr. Greenberg questioned whether state timesheets
13 are audited or reviewed. Mr. Jarabeck stated he
14 reviews and approves timesheets on the legal side
15 every two weeks.

16 Ms. Richards addressed revenues and expenses,
17 noting a projected revenue balance for FY 2018-2019.
18 She commented that at the end of FY 2021-2022 the
19 Board will have a healthy balance.

20 Ms. Richards provided a breakdown of Board member
21 expenses for FY 2016-2017 and FY 2017-2018, noting the
22 budget for FY 2018-2019. She reviewed the expenses.
23 She noted the requested budget amount. Ms. Richards
24 mentioned that money not used at the end of the year
25 by the Board will go back into the Board's restricted

1 account for the Board's use.

2 Ms. Richards reviewed the expenditure sheet
3 reflection a pictorial overview of the fluctuation in
4 expenses since 2006.]

5 ***

6 [Kalonji Johnson, Acting Commissioner, Bureau of
7 Professional and Occupational Affairs, entered the
8 meeting at 10:13 a.m.]

9 ***

10 Appointment - Department of State Complaint Process
11 Presentation

12 [Paul J. Jarabeck, Esquire, Senior Prosecutor in
13 Charge, Department of State, stated there are 29
14 professional and occupational licensing Boards to
15 protect public health, safety, and welfare in the
16 Commonwealth of Pennsylvania. He noted 1.2 million
17 licensees in 2015 or 2016. He commented that the
18 legal office and prosecution are divided between
19 health care and business professionals, where there
20 are four teams to deal with health care issues and two
21 teams to deal with business issues.

22 Mr. Jarabeck noted Title 63 under the Podiatry
23 Act, Pennsylvania Code, and Title 35 regarding health
24 and safety. He addressed Act 64 § 23 regarding
25 revocation of licenses of practitioners. He provided

1 an overview of the suspension and the drug monitoring
2 program. He discussed the Physicians' Health Program
3 of the Pennsylvania Medical Society, where individuals
4 engage and actively enroll in treatment.

5 Mr. Jarabeck explained that cases would otherwise
6 go to a hearing if an individual does not enroll in
7 treatment, which would be at the board's discretion to
8 suspend rather than place on probation.

9 Mr. Jarabeck stated individuals with a felony
10 case and conviction of a drug act violation under
11 Title 35 would be subject up to a five-year
12 suspension. He noted that individuals would have the
13 fright to apply as if they were any other individual
14 who no longer held the license and would be treated as
15 an applicant.

16 Mr. Jarabeck noted rare issues that would stem
17 from Title 35 with regard to referral fees, where the
18 individual may have ownership in an entity, and there
19 needs to be a disclaimer that financial benefit would
20 come from the referral.

21 Mr. Jarabeck addressed the Criminal History
22 Record Information Act Title 18. He noted a crime
23 code section that states individuals convicted of a
24 misdemeanor or a felony that relates to their
25 profession are also subject to suspension or

1 revocation of their license before the Board.

2 Mr. Jarabeck noted 14,000 to 15,000 complaints
3 per year. He addressed the Pennsylvania Justice
4 Network (JNET), which is a notification from the
5 criminal authority and unified judicial system, which
6 reports when arrests occur throughout the 67 counties
7 in Pennsylvania. He noted that the Bureau of
8 Enforcement and Investigation has roughly 100
9 investigators.

10 Mr. Jarabeck discussed how a complaint is filed.
11 He noted the importance of having an existing
12 relationship with other partners, particularly on drug
13 issues.

14

15 [Kalonji Johnson, Acting Commissioner, Bureau of
16 Professional and Occupational Affairs, exited the
17 meeting at 10:23 a.m.]

18

19 [Mr. Jarabeck noted access to the Prescription Drug
20 Monitoring Program (PDMP) and utilizing that system to
21 start an investigation. He noted sharing information
22 with the Office of Attorney General's Health Care
23 Section.

24 Mr. Jarabeck stated JNET was starting to increase
25 case numbers because prosecution would be informed at

1 the time of an arrest. He stated he has not seen the
2 professional society in conjunction with the podiatry
3 Board as much as other Boards but has seen that with
4 local societies, where they would try to mediate cases
5 and turn them over to the Board if it did not work.

6 Mr. Jarabeck addressed self-reporting and reports
7 based upon the Medical Care Availability and Reduction
8 of Error (MCARE), where they would report a lawsuit
9 filed civilly against them. He stated Act 6 is now a
10 requirement that all Boards report criminal charges,
11 convictions, and discipline from another state within
12 30 days.

13 Mr. Jarabeck addressed the National Practitioner
14 Data Bank, where notification from the federal system
15 is received after a civil lawsuit is filed, indicating
16 an insurer has paid a civil lawsuit settlement for a
17 civil lawsuit judgment.

18 Mr. Jarabeck noted that letters may be sent to
19 the public acknowledging a complaint has been filed
20 but updates cannot be given. He explained that
21 complaints are received by the Professional Compliance
22 Office, coded, and entered into the Pennsylvania
23 Licensing System (PALS). He provided an overview of
24 the complaint process.

25 Dr. Greenberg questioned whether every complaint

1 is investigated, even those that may be fabricated.

2 Mr. Jarabeck explained that there will be times
3 where a complaint will have no objective basis, but it
4 is also important to avoid prejudgment and ensure that
5 matters are investigated. He noted an increase in the
6 Board's investigative and prosecutorial cost. He
7 stated Mr. Tucker and Mr. McNally have taken on cases.

8 He addressed Medical Malpractice Payment Reports
9 (MMPR) and self-reports.

10 Mr. Jarabeck noted that the goal is to have
11 substantive cases for the Board's review. He also
12 commented that the Board has a specific provision that
13 does not include gross negligence and just negligence.
14 He stated based on that premise, these cases are going
15 to continue to be reviewed and prepared for the
16 Board's review, whether it be through consent or
17 through a hearing where it would wind its way from the
18 hearing examiner to the Board to review the transcript
19 as well as a proposed adjudication and order.

20 Mr. Jarabeck stated cases are closed and the
21 complainant is notified if there is no jurisdiction.
22 He noted that the Office of Attorney General works on
23 issues that are health care related, the Human
24 Relations Commission works on cases concerning
25 employment or some type of discrimination issue,

1 particularly when it comes through something like a
2 school.

3 Mr. Jarabeck provided an overview of the Bureau
4 of Enforcement and Investigation (BEI), noting they
5 are responsible for conducting interviews and
6 inspections and obtaining evidence. He stated they
7 coordinate with other agencies or law enforcement and
8 testify to the results of their investigations or
9 inspections, noting 21,844 investigations in 2016.

10 Mr. Jarabeck noted the Podiatry Board to have a
11 legal team of five attorneys as well as one law clerk
12 and one paralegal. He noted Mr. Tucker and Mr.
13 McNally as the assigned attorneys who are able to send
14 cases back for rereview and further investigation or
15 to obtain better evidence. He noted that standard of
16 care matters will have an expert who would testify on
17 their behalf.

18 Mr. Jarabeck commented that the Board will be the
19 final arbiter in reviewing cases and will have the
20 ability to make determination regarding the expert's
21 qualifications.

22 Dr. Greenberg questioned evidence when a patient
23 files a complaint to the state and an attorney at the
24 same time.

25 Mr. Jarabeck referred to Act 25 § 2205.1

1 regarding confidentiality of records of licensure,
2 which makes the state's records not subject to right
3 to know and not subject to disclosure unless there is
4 a court order.

5 Mr. Jarabeck commented that the investigative
6 portion is public, and a transcript of a hearing can
7 be purchased, which is not something protected by the
8 statute. He noted that the everything protected by
9 the statute would be the investigative process up
10 until the filing of a public document.

11 Mr. Jarabeck explained that the goal is to ensure
12 that self-reported cases and MMPR cases are reviewed
13 and investigated if there is true and actual harm. He
14 noted that the Board has a seven-year record retention
15 that enables a look at a larger scope.

16 Dr. Paris questioned what the responsibility of a
17 Board member is regarding initiating the complaint
18 process.

19 Mr. Jarabeck stated Board members have the
20 ability to file a complaint and advised them to listen
21 to counsel, noting that they have the same right as a
22 citizen of the Commonwealth.

23 Dr. Greenberg noted that the Board of Podiatry is
24 a little bit different from the other health
25 professional Boards in that the standard for review is

1 just negligence, not gross negligence.

2 Mr. Jarabeck commented that the actual language
3 states gross incompetency, gross immorality,
4 negligence, or misconduct in carrying on of such
5 profession.

6 Mr. Jarabeck noted trying a Board of Dentistry
7 case, where it was stuck for periods of time just on
8 the actual definition of gross.

9 Mr. Jarabeck commented that Mr. McNally and
10 Mr. Tucker will be providing the Board with more
11 varied cases.]

12 ***

13 [The Board recessed from 10:56 a.m. until 11:02 a.m.]

14 ***

15 [Chairman Weber requested Mr. Hollinger provide the
16 continuing education requirements for opioid use and
17 child abuse at the next meeting.]

18 ***

19 Report of Regulatory Counsel

20 [Kenneth J. Suter, Esquire, Regulatory Counsel,
21 addressed House Bill 15 of 2019 regarding pending
22 telemedicine and the obligations of the Board if the
23 bill passes. He stated this was a very broad
24 definition of telemedicine, where it includes many
25 different professions and was a very broad act.

1 Mr. Suter referred to § 3(a)(1) regarding the
2 regulation of telemedicine by professional licensure
3 boards requirements and the need to comply with state
4 and federal requirements in order to do that, which
5 includes the Health Insurance Portability
6 Accountability Act (HIPAA) requirements.

7 Mr. Suter referred to § 4 regarding compliance,
8 noting that health care providers have to comply with
9 Pennsylvania's state law and any applicable
10 regulations if the individual is located within the
11 Commonwealth.

12 Chairman Weber commented that he sees nothing
13 wrong with giving an opinion on somebody from another
14 state who is a Medicare patient and thinks the bill
15 constricts too much.

16 Mr. Suter referred to § 3(a)(2), where you could
17 be disciplined for not complying with the standards of
18 care or the roles of practice if you practice
19 telemedicine. He referred to § 3(b), where each Board
20 is required within 24 months of the effective date of
21 the act to promulgate final regulations that are
22 consistent with the act to regulate telemedicine.

23 Mr. Suter stated standard of care is applicable
24 to an in-person encounter, so it would not change any
25 of that. He mentioned that the Board would have to

1 develop regulations in a relatively rapid fashion if
2 this passes and the Board is going to implement this.
3 He commented that the health care Boards would
4 probably develop with some generic language and
5 podiatry could tweak that.

6 Mr. Suter commented that regulations for
7 individual Boards was put on hold because the
8 Legislature had pending proposals. He noted that most
9 states have this, but Pennsylvania does not have the
10 standards promulgated or anything.

11 Mr. Suter referred to § 5(a)(1) regarding
12 evaluation and treatment for a telemedicine encounter
13 in which the provider does not have an established
14 provider-patient relationship. He noted informed
15 consent, appropriate examination or assessment through
16 telemedicine, establishing a diagnosis and treatment
17 plan, maintaining electronic records, providing a
18 summary, having an emergency action plan in place, and
19 standard of care.

20 Mr. Suter referred to § 6(a) regarding insurance
21 coverage and reimbursement and § 7 Medicaid program
22 reimbursement.

23 Mr. Suter noted that the reactivation application
24 will be discussed in executive session.]

25

1 Continuing Education Program Approval

2 [Robert B. Weber, D.P.M., Chairman, noted the 8th
3 Annual National Foot & Ankle Fellowship Meeting
4 sponsored by the Greater Pennsylvania Education
5 Foundation in Pittsburgh, PA May 3-4, 2019.]

6 ***

7 CHAIRMAN WEBER:

8 Could I have a motion to accept this
9 program for CME?

10 DR. GREENBERG:

11 I make a motion to accept that.

12 DR. PARIS:

13 I'll second that.

14 CHAIRMAN WEBER:

15 All in favor?

16 [The motion carried unanimously.]

17 ***

18 For the Board's Information/Discussion

19 [Robert B. Weber, D.P.M., Chairman, noted 2019 board
20 meeting dates.

21 Mr. Hollinger noted the proposed 2020 Board
22 meeting dates for the Board's review and approval.]

23 ***

24 CHAIRMAN WEBER:

25 We have a motion to accept?

1 DR. PARIS:

2 I'll make the motion.

3 MS. HALUSZCZAK:

4 Second.

5 CHAIRMAN WEBER:

6 All in favor?

7 [The motion carried unanimously.]

8 ***

9 Miscellaneous

10 [Kenneth J. Suter, Esquire, Board Counsel, noted it to
11 be a good time to consider the Probable Cause
12 Screening Committee since it is time for the annual
13 election of officers.]

14 ***

15 DR. PARIS:

16 I'll make a motion to have Melissa
17 continue.

18 CHAIRMAN WEBER:

19 Second.

20 CHAIRMAN WEBER:

21 All in favor?

22 [The motion carried unanimously.]

23 ***

24 Report of Board Chair

25 [Robert B. Weber, D.P.M., Chairman, asked Board

1 members to pray for a very dear friend of his,
2 Sherwood, who has Lou Gehrig's disease and is in
3 hospice.]

4 ***
5 Report of Board Administrator

6 [Aaron Hollinger, Board Administrator, noted the
7 reactivation application for discussion during
8 executive session.]

9 ***
10 [Kalonji Johnson, Acting Commissioner, Bureau of
11 Professional and Occupational Affairs, entered the
12 meeting at 11:54 a.m. during executive session.]

13 ***
14 [Pursuant to Section 708(a)(5) of the Sunshine Act, at
15 11:29 a.m. the Board entered into Executive Session
16 with Kenneth J. Suter, Esquire, Board Counsel, for the
17 purpose of conducting quasi-judicial deliberations.
18 The Board returned to open session at 12:06 p.m.]

19 ***
20 Report of Acting Commissioner
21 [Kalonji Johnson, Acting Commissioner, Bureau of
22 Professional and Occupational Affairs, noted his prior
23 role as policy director for the Department of State.
24 He noted his current role to be more comprehensive and
25 to advocate and make sure the Board's concerns and

1 initiatives are heard and communicated properly to the
2 general assembly.

3 Acting Commissioner Johnson noted his
4 replacement, Deputy Policy Director Marc Farrell, who
5 was is going to pilot most of the regulations through
6 the Independent Regulatory Review Commission (IRRC)
7 process.

8 Acting Commissioner Johnson also noted Stephen
9 Latanishen as the new director of intergovernmental
10 affairs, which is a new position that was created to
11 help one liaise with stakeholders and professional
12 organizations and to help expedite the appointment
13 process.

14 Mr. Suter addressed whether there would be
15 conflict concerning a Board member serving on a Board
16 and being a Board member of a statewide association at
17 the same time, noting that there is no prohibition.

18 Ms. Haluszczak stated Mr. Latanishen told her a
19 few years back that individuals can be on only one pay
20 Board at a time.

21 Acting Commissioner Johnson was requested fast
22 track a proclamation from the governor stating that
23 podiatrists in Pennsylvania are recognized as
24 physicians.

25 Acting Commissioner Johnson suggested that a

1 legislative approach is the best way to go because
2 that becomes part of the public record and more weight
3 than a gubernatorial proclamation.

4 Acting Commissioner Johnson addressed legislation
5 signed last week by Governor Ducey of Arizona that
6 required professional licensing and credentialing
7 agencies within the state of Arizona to endorse
8 out-of-state licensees. He noted that a lot of folks
9 are seeing how Arizona is going to implement this and
10 may start seeing similar legislation coming out of a
11 lot of different states.

12 Acting Commissioner Johnson mentioned compacts in
13 recent years and thinks Arizona decided to do this to
14 eliminate some of that administrative overhead
15 surrounding compacts. He also noted that Arizona was
16 the first state to jump on licensure as a barrier to
17 employment and championed that whole initiative.]

18

19 MOTIONS

20 MR. SUTER:

21 The purpose of executive session was to
22 discuss a personnel matter, namely me.
23 The second matter was Item No. 2 on the
24 agenda, File No. 16-44-11947. The third
25 matter discussed in executive session

1 was Item No. 7 on the agenda under
2 applications, the reactivation of Ronald
3 Paul Belin, D.P.M.

4 Based upon the discussions in
5 executive session, I understand the
6 Board will entertain a motion to approve
7 the Consent Agreement of File No. 16-44-
8 11947. That is a consent agreement and
9 Item No. 2 on the agenda.

10 MS. HALUSZCZAK:

11 I move to accept the consent agreement
12 and order.

13 DR. GREENBERG:

14 I'll second.

15 CHAIRMAN WEBER:

16 All in favor? Any questions?

17 [The motion carried unanimously. The Respondent's
18 name is Howard E. Schreibstein.]

19 ***

20 MR. SUTER:

21 Also based upon the discussions in
22 executive session, I understand the
23 Board will entertain a motion to approve
24 the Reactivation Application of Ronald
25 Paul Belin, D.P.M.

1 DR. PARIS:

2 I'll make the motion to reactivate.

3 CHAIRMAN WEBER:

4 I second the motion.

5 CHAIRMAN WEBER:

6 All in favor? Any questions on that?

7 [The motion carried unanimously.]

8 ***

9 MR. SUTER:

10 We will open the floor at this point for
11 nominations for a Chair of the Board to
12 serve next year.

13 DR. GREENBERG:

14 I nominate Dr. Weber.

15 DR. PARIS:

16 I'll second it.

17 MR. SUTER:

18 Are there any other nominations? Is
19 there a motion to close nominations?

20 MS. HALUSZCZAK:

21 I move to close.

22 MR. JOHNSON:

23 Second.

24 MR. SUTER:

25 All those in favor of Dr. Weber

1 continuing to serve as Chair, signify by
2 saying aye. Opposed? Abstentions?

3 [The motion carried unanimously.]

4 ***

5 MR. SUTER:

6 Any nominations for Vice Chair?

7 DR. GREENBERG:

8 I nominate Mike.

9 MS. HALUSZCZAK:

10 I'll second.

11 MR. SUTER:

12 Are there any other nominations? Is
13 there a motion to move that nominations
14 be closed?

15 DR. GREENBERG:

16 I move.

17 MS. HALUSZCZAK:

18 I'll second.

19 MR. SUTER:

20 All those in favor of Mike continuing to
21 serve as Vice Chair, signify by saying
22 aye. All those Opposed? Abstentions?

23 [The motion carried unanimously.]

24 ***

25 MR. SUTER:

1 Nominations for Secretary?

2 MS. HALUSZCZAK:

3 Dr. Greenberg.

4 DR. PARIS:

5 I'll second that.

6 MR. SUTER:

7 Any other nominations? Is there a
8 motion to close nominations?

9 DR. PARIS:

10 I make that motion.

11 MS. HALUSZCZAK:

12 I'll second.

13 MR. SUTER:

14 All those in favor of closing
15 nominations?

16 All those in favor or Dr. Greenberg
17 serving as the Secretary, say aye.

18 Opposed? Abstentions?

19 [The motion carried unanimously.]

20 ***

21 [It was suggested developing a mechanism that could be
22 reviewed for continuing medical education (CME).]

23 Mr. Suter referred to a sub-committee for the
24 review of CME program approvals prior to Board
25 meetings, noting the importance of keeping track of

1 everything that happens and that it be recorded in the
2 minutes.]

3 ***

4 MR. JOHNSON:

5 I move that we form a subcommittee
6 dedicated to the approval of CME.

7 DR. PARIS:

8 I'll second the motion.

9 CHAIRMAN WEBER:

10 All in favor?

11 [The motion carried unanimously.]

12 ***

13 [Dr. Greenberg referred to the Podiatry Act in
14 Pennsylvania § 42.16(a)(3), suggested the addition of
15 gross negligence or gross misconduct like other Boards
16 mentioned by Mr. Jarabeck.

17 Ms. Haluszczak disagreed, stating that it would
18 be more difficult for people to agree on gross
19 negligence.

20 Chairman Weber cautioned against opening the
21 Podiatry Act for amendments.

22 Mr. Suter addressed prosecutorial discretion as
23 to whether or not to proceed and nonpublic discipline,
24 like issuing a warning letter.

25 Acting Commissioner Johnson discussed the triage

1 process that is designed to weed out frivolous
2 complaints. He mentioned Act 6 and the mechanics of
3 reporting, noting that there is going to be a lot more
4 trust placed on staff.

5 Mr. Suter addressed probable cause, noting that
6 immediate temporary suspension is when a person needs
7 to be taken out because they are a danger. He
8 discussed the petition for appropriate relief (PAR),
9 which is usually a DMU or VRP situation where there is
10 a violation of the terms.

11 Mr. Suter stated the Board could accept or reject
12 consent agreements as to harsh or too lenient but
13 cannot modify the terms of the consent agreements. He
14 also addressed an order to show cause.]

15 ***

16 Adjournment

17 CHAIRMAN WEBER:

18 Dr. Greenberg, could I ask you for a
19 motion for adjournment.

20 DR. GREENBERG:

21 I make a motion for adjournment.

22 DR. PARIS:

23 Second.

24 CHAIRMAN WEBER:

25 All in favor?

1 [The motion carried unanimously.]

2 ***

3 [There being no further business, the State Board of
4 Podiatry Meeting adjourned at 1:01 p.m.]

5 ***

6

7

8 CERTIFICATE

9

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

15

16

17

Bridget Hockenbroch

18

Bridget Hockenbroch,

19

Minute Clerk

20

Sargent's Court Reporting

21

Service, Inc.

22

23

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25

STATE BOARD OF PODIATRY
REFERENCE INDEX

April 17, 2019

	TIME	AGENDA
1		
2		
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6		
7		
8		
9	9:31	Official Call to Order
10		
11	9:33	Approval of Minutes
12		
13	9:33	Report of Prosecutorial Division
14		
15	9:38	Report of Board Counsel
16		
17	9:06	Appointment - Bureau of Finance and Operations Annual Budget Presentation
18		
19		
20	10:12	Appointment - Department of State Complaint Process Presentation
21		
22		
23	10:56	Recess
24	11:02	Return to Open Session
25		
26	11:06	Report of Regulatory Counsel
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28	11:19	Continuing Education Program Approval
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30	11:20	For the Board's Information/Discussion
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32	11:23	Report of Board Chairman
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34	11:28	Report of Board Administrator
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36	11:29	Executive Session
37	12:06	Return to Open Session
38		
39	12:06	Report of Acting Commissioner
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41	1:06	Motions
42		
43	1:01	Adjournment
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