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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: 9:37 A.M.

BOARD ROOM B

One Penn Center
2601 North Third Street
Harrisburg, PA 17110

Wednesday, April 18, 2018

1 ***

2 State Board of Podiatry

3 April 18, 2018

4 ***

5 The regularly scheduled meeting of the State
6 Board of Podiatry was held on Wednesday, April 18,
7 2018. Robert B. Weber, D.P.M., Chairman, called the
8 meeting to order at 9:37 a.m.

9 ***

10 Approval of Minutes of the December 20, 2017 meeting

11 CHAIRMAN WEBER:

12 I'd like to have a motion for approval
13 of the minutes from December 20.

14 MS. HALUSZCZAK:

15 So moved.

16 CHAIRMAN WEBER:

17 Second to the motion?

18 DR. GREENBERG:

19 Second.

20 CHAIRMAN WEBER:

21 Any comment in regard to the past
22 minutes? All in favor?

23 [The motion carried unanimously.]

24 ***

25 Appointment - Office of Children's Health Insurance

1 Program (CHIP)

2 [Patrick Harmon, Quality Assurance Analyst, Children's
3 Health Insurance Program, introduced himself and Peggy
4 Slothower, Business Analyst, Children's Health
5 Insurance Program.

6 Mr. Harmon stated the Department of Human
7 Services implemented the Affordable Care Act
8 provision, which requires all providers who render,
9 order, refer, prescribe, or bill for items or services
10 to CHIP enrollees to be enrolled by December 31, 2017,
11 in order to obtain a Provider Reimbursement and
12 Operations Management Information System (PROMISe) ID.

13 He discussed the 21st Century Cures Act, stating
14 that for providers to participate in a network of a
15 CHIP-managed care entity, the provider must be
16 screened consistent with provisions set forth in the
17 Affordable Care Act and enroll with the state agency.
18 Providers not enrolled with the department will no
19 longer be paid for services rendered to CHIP families.

20 Mr. Harmon discussed the enrollment procedures
21 and requirements. He referred to the federal employer
22 identification numbers for enrollment and the need to
23 provide an IRA-generated document that displays name,
24 address, and federal employee identification number
25 (FEIN).

1 Mr. Harmon stated that institutional providers
2 are subject to a fee of \$560 for the application. He
3 noted the electronic enrollment options and paper
4 applications and requirements available through the
5 provider enrollment website

6 Mr. Suter stated the Pennsylvania Medical Society
7 (PAMED) and the Pennsylvania Osteopathic Medical
8 Association (POMA) were willing to provide assistance
9 to CHIP. Mr. Harmon stated any assistance with
10 getting the information out would be greatly
11 appreciated.]

12 ***

13 Appointment - Bureau of Finance and Operations Annual
14 Budget Review Presentation
15 [Kimberly Adams, Chief of Fiscal Management, Bureau of
16 Finance and Operations, introduced herself and Julie
17 Snader, Deputy Director, Bureau of Finance and
18 Operations.

19 Ms. Adams provided information on the Board's
20 licensee population from a revenue standpoint. She
21 noted the licensee population from Fiscal Year 2012-
22 2013 through the current fiscal year at 1,532, which
23 shows a consistent licensee population.

24 Ms. Adams referred to the revenue source
25 categorical breakdown. She noted Fiscal Years

1 2015-2016, 2016-2017, and the biennial total. Ms.
2 Adams attributed 99 percent of the incoming revenue to
3 renewals and applications. Ms. Adams noted that the
4 last fee increase was in 2002, which is \$395
5 biennially.

6 Ms. Adams discussed expenses, which are broken
7 down by administrative and legal costs. She reviewed
8 Fiscal Years 2015-2016 and 2016-2017 expenses with the
9 current budget and expenses as of April 5, 2018. Ms.
10 Adams addressed direct charges, timesheet charges, and
11 license-based fees.

12 Ms. Adams reviewed the Board's budget and
13 expenditures, which shows an adequate budget for this
14 fiscal year.

15 Ms. Adams addressed Board expenses and revenue.
16 She discussed Board member expenses as of April 5,
17 2018, showing the Board well within the Fiscal Year
18 2017-2018 budget.

19 Ms. Adams informed the Board that all unused
20 money rolls back into a restricted account for the
21 Podiatry Board.]

22

23 Report of Prosecutorial Division

24 [Katherine M. Delp, Esquire, Board Prosecutor,

25 presented the following Consent Agreements: File No.

1 13-44-11041, File No. 13-44-11042, and File No. 14-44-
2 11375.]

3

4 [Paul J. Jarabeck, Esquire, Board Prosecution Liaison,
5 noted the Board's decision in August 2017 to no longer
6 present the VRPs because of their redundant nature.

7 Mr. Jarabeck stated one of his goals as liaison
8 with this Board is to have a more active role, which
9 may result in increased expenditures.]

10

11 Report of Board Counsel

12 [Kenneth J. Suter, Esquire, Board Counsel, noted
13 matters for discussion in Executive Session.

14 Mr. Suter reviewed the recusal guidelines. He
15 discussed the mandatory recusal provisions and
16 discretionary recusal provisions.

17 Ms. Haluszczak requested that the Board be
18 informed of Board recusals. Mr. Suter stated
19 prosecution will note recusals in the Consent
20 Agreement footnote, as well as noting the Probable
21 Cause Screening Committee matters.

22 Mr. Suter discussed the Sunshine Act. He also
23 reviewed the procedures for Executive Sessions.]

24

25 Report of Regulatory Counsel

1 [Kenneth J. Suter, Esquire, Regulatory Counsel,
2 updated the Board on sexual misconduct regulations
3 under review by Regulatory Counsel.

4 Mr. Suter also discussed the proposal for
5 continuing education and reactivation of licenses.

6 Chairman Weber questioned the number of
7 continuing medical education (CME) online credits.
8 Mr. Suter stated the requirements had not changed and
9 was still a maximum of 10 hours out of 50.

10 Mr. Harlow discussed the Board accepting child
11 abuse credits. Mr. Suter discussed the costs and time
12 to introduce a regulation. Mr. Suter suggested ways
13 to change requirements for CE.

14 Ms. Haluszczak suggested the language should not
15 have a specific number, but should state as determined
16 by the Board as it may change every year.

17 Mr. Suter stated this matter may be discussed and
18 refined later.]

19 ***

20 [The Board recessed from 10:36 a.m. until 10:49 a.m.]

21 ***

22 Report of Commissioner

23 [Ian J. Harlow, Commissioner of Professional and
24 Occupational Affairs, updated the Board on the
25 Pennsylvania Licensing System (PALS). He discussed

1 bureau-wide delays in processing applications with the
2 hope of stabilization by the end of June. Mr. Harlow
3 stated that the project was nearly 3 percent under
4 budget with a total cost of roughly \$4 million.

5 Mr. Harlow addressed Executive Order 2017-03
6 regarding licensing requirements. He stated the
7 Executive Order Advisory Committee has been meeting on
8 a monthly basis and will be ready to issue a report to
9 Governor Wolf on May 25, 2018, as well as the Boards.
10 He stated the report would be factual and statistical
11 in nature regarding license types and data points for
12 comparison nationally, regionally, and as a state.

13 Mr. Harlow stated the Podiatry Board will be able
14 to analyze the report to consider the necessity for
15 any policy changes, regulatory changes, or legislative
16 changes. He noted policy changes are easier to pass.

17 Mr. Harlow addressed the plan to take the data,
18 work with stakeholders, and come up with comprehensive
19 suggestions for each profession.

20 Mr. Harlow noted St. Francis University's work
21 with the Executive Order Advisory Committee.

22 In regards to the opioid continuing education
23 requirement, Mr. Harlow informed the Board that
24 individuals who have Drug Enforcement Administration
25 (DEA) numbers and prescribers of controlled substances

1 who have DEA numbers or use someone else's DEA number
2 to prescribe will be required to have the continuing
3 education.

4 Mr. Hollinger explained that the Podiatry Board
5 approves CE courses but also accepts courses that are
6 approved through the Council on Podiatric Medical
7 Education (CPME), American Medical Association (AMA),
8 or American Osteopathic Association (AOA).

9 Mr. Hollinger clarified that the acceptable
10 requirement is two hours in pain management,
11 identification of addiction, or the practice of
12 prescribing or dispensing of opioids.

13 Mr. Harlow discussed creating a website for
14 opioids as it relates to Act 124 and Act 126 similar
15 to the Act 31 Child Abuse Recognition and Reporting
16 Continuing Education website. He noted funding as an
17 issue at the present time.]

18 ***

19 Old Business/New Business

20 [Chairman Weber noted the Federation of Podiatric
21 Medical Boards request for dues payment.]

22 MR. SUTER:

23 If you are deciding that you still do
24 not want to pay anything, just to make
25 it official, we should probably have a

1 motion and a second.

2 DR. GREENBERG:

3 I'll make the motion for it.

4 MS. HALUSZCZAK:

5 Second.

6 CHAIRMAN WEBER:

7 Thank you.

8 [The motion carried unanimously.

9 ***

10 [Ian J. Harlow, Commissioner of Professional and
11 Occupational Affairs, exited the meeting at
12 11:02 a.m.]

13 ***

14 [Mr. Suter discussed increasing application fees and
15 reducing the biennial renewal fees. Mr. Suter
16 reviewed the Board's budget and that application fees
17 are less than two percent of the actual budget. He
18 stated that a fee regulation costs about \$10,000. He
19 suggested not putting a regulation package forward and
20 making a goal to have the application fees pay for
21 themselves down the road.

22 Mr. Suter noted that the Independent Regulatory
23 Review Commission (IRRC) has suggested other Boards
24 that have increased application fees and running with
25 a surplus to reduce fees somewhere else to counteract

1 this.

2 Mr. Suter stated the matter would be readdressed
3 at a later point in time.

4 Mr. Suter updated the Board on rulemaking to
5 establish guidelines for prescribing controlled
6 substances that would incorporate statutory
7 requirements related to the ABC-MAP Prescription Drug
8 Monitoring database, stating that it was drafted and
9 under review by the Regulatory Counsel.

10 Mr. Suter referred to acupuncture regulation,
11 also under review by Regulatory Counsel.

12 Mr. Suter discussed volunteer licenses and the
13 Volunteer Health Services Act. He noted an amendment
14 to the act that passed in 2007.

15 Mr. Suter noted a comprehensive package for all
16 Boards.

17 Mr. Suter addressed House Bill 2201 introduced
18 April 2, 2018, and referred to the Human Services
19 Committee. He stated the bill requires the Department
20 of Health promulgate regulations for prescribing
21 opioids. The bill lists a number of scenarios when
22 prescribing opioids. He also noted that legislation
23 further proposes violators of regulations would be
24 subject to fines.

25 Chairman Weber suggested the state take

1 nonpolitical, nonaggressive action with various
2 pharmaceutical companies in our state and create some
3 type of program to develop a non-opioid type of
4 product to give to patients. He noted ibuprofen plus
5 Tylenol at the same time and noted India, where
6 combined ibuprofen and acetaminophen has a good factor
7 in reducing pain. He also noted the combination of
8 Motrin, acetaminophen, and Lyrica.

9 Mr. Suter requested feedback from the Board to
10 use as an assessment tool for communication.]

11 ***

12 Report of the Board Chair

13 [Chairman Weber stated the Podiatry Board requested
14 Dr. Edward Snell to return for another term if he was
15 interested.]

16 Chairman Weber discussed the Federation of
17 Podiatric Medical Boards request for dues. The Board
18 decided that there was no need for a response.]

19 ***

20 Report of Board Administrator - No Report

21 ***

22 [Pursuant to Section 708(a)(5) of the Sunshine Act, at
23 11:35 a.m. the Board entered into Executive Session
24 with Kenneth J. Suter, Esquire, Board Counsel, for the
25 purpose of conducting quasi-judicial deliberations.]

1 The Board returned to open session at 12:03 p.m.]

2 ***

3 MOTIONS

4 MR. SUTER:

5 The Board was in Executive Session as
6 the Chairman indicated. The purpose of
7 the Executive Session was to discuss
8 items 2, 3, and 4 on the Board's
9 agenda. They were File No. 13-44-
10 11041, File No. 13-44-11042, and File
11 No. 14-44-11375.

12 Based upon the Board's discussion
13 in Executive Session, I am recommending
14 a motion to approve all three Consent
15 Agreement.

16 MS. HALUSZCZAK:

17 So moved.

18 DR. GERLAND:

19 Second.

20 CHAIRMAN WEBER:

21 All in favor?

22 [The motion carried unanimously. Item No. 2, File No.
23 13-44-11041, the Respondent's name is Scott Henry,
24 D.P.M. Item No. 3, File No. 13-44-11042, the
25 Respondent's name is Nicole Sabrina McCormack, D.P.M.]

1 Item 4 on the agenda, File No. 14-44-11375, the
2 Respondent's name is Amanda Leigh Richline, D.P.M.]

3 ***

4 MR. SUTER:

5 Further discussion in Executive Session
6 revolves around an interpretation of
7 the Board's Act Section 16(a)(3) and a
8 discussion regarding, in a general
9 sense, whether or not the Board would
10 like to see from the prosecution office
11 matters of negligence rather than gross
12 negligence. The Board decided that
13 they would not like to see matters of
14 simple negligence be brought before
15 them.

16 Additionally, the Board had
17 discussions on Item No. 9 and 10 on the
18 Board's agenda. These are continuing
19 education programs that were submitted
20 for approval, and they are for Aria
21 Jefferson Grand Rounds for both
22 February 22, 2018 and March 29, 2018.

23 Based upon the Board's discussions,
24 I would recommend approval of both of
25 these continuing education courses.

1 DR. GERLAND:

2 So moved.

3 DR. PARIS:

4 Second.

5 CHAIR BARBIERI:

6 All in favor?

7 [The motion carried unanimously.]

8 ***

9 MR. SUTER:

10 The last item that was discussed in
11 Executive Session was Item No. 6 on the
12 Board's agenda, the proposed
13 Adjudication and Order of Charles Henry
14 Allison, D.P.M. That is File No. 17-
15 44-05370, Docket No. 1121-44-17.

16 Based upon the Board's discussions
17 in Executive Session, I would recommend
18 a motion to adopt the proposed
19 Adjudication and Order as the Board's
20 final Adjudication and Order and
21 Counsel to issue an order.

22 DR. PARIS:

23 So moved.

24 DR. GREENBERG:

25 Second.

1 CHAIRMAN WEBER:

2 All in favor?

3 [The motion carried unanimously.]

4 ***

5 MR. SUTER:

6 The other item that was discussed in
7 Executive Session was Item No. 5 on the
8 agenda. It is a VRP Agreement. It is
9 File No. 17-44-11301.

10 Based upon the Board's discussions
11 in Executive Session, I would recommend
12 a motion to approve this Consent
13 Agreement.

14 DR. GERLAND:

15 So moved.

16 DR. PARIS:

17 Second.

18 CHAIRMAN WEBER:

19 All in favor?

20 [The motion carried unanimously.]

21 ***

22 DR. GERLAND:

23 I make a motion that for the subsequent
24 renewals, not the initial licensure
25 which still requires 3 hours of

1 continuing education for the child
2 abuse, that the licensee renewing would
3 be able to gain 3 hours instead of 2, as
4 all the hours that he gains in child
5 abuse would be accepted by the Board,
6 rather than limiting it to a minimum of
7 2 hours in the child abuse, and if it
8 goes over, if the Board would accept it
9 as part of the 50 hours required for the
10 biennial renewal.

11 CHAIRMAN WEBER:

12 Is there a second to this motion?

13 DR. GREENBERG:

14 I second it.

15 CHAIRMAN WEBER:

16 All in favor?

17 [The motion carried unanimously.]

18 ***

19 DR. GERLAND:

20 We are going to ditto that motion for a
21 minimum of 2 hours as part of the 50
22 hours required for renewal in opioid
23 education as outlined in the policy.

24 DR. GREENBERG:

25 Second.

1 CHAIRMAN WEBER:

2 All in favor?

3 [The motion carried unanimously.]

4 ***

5 Elections

6 MR. SUTER:

7 Open for motions for the Chair of the
8 State Board of Podiatry.

9 DR. GERLAND:

10 I nominate Dr. Weber to return as Chair
11 for the State Board.

12 DR. GREENBERG:

13 I'll second.

14 MR. SUTER:

15 Are there any other nominations? Would
16 somebody like to make a motion to close?

17 MS. HALUSZCZAK:

18 I make a motion to close nominations.

19 DR. GREENBERG:

20 Second.

21 MR. SUTER:

22 All those in favor of maintaining our
23 current Chair, Dr. Weber, please signify
24 by saying aye.

25 [The motion carried unanimously.]

1 Second.

2 CHAIRMAN WEBER:

3 All in favor?

4 [The motion carried unanimously.]

5 ***

6 Adjournment

7 DR. GERLAND:

8 Motion to adjourn.

9 DR. GREENBERG:

10 Second.

11 CHAIRMAN WEBER:

12 All in favor?

13 [The motion carried unanimously.]

14 ***

15 [There being no further business, the State Board of
16 Podiatry Meeting adjourned at 12:18 p.m.]

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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.



Amy L. Warehime,

Minute Clerk

Sargent's Court Reporting
Service, Inc.

STATE BOARD OF PODIATRY
REFERENCE INDEX
April 18, 2018

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9	9:37	Approval of Minutes
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11	9:38	Appointment - CHIP Presentation
12	9:47	
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14	9:48	Appointment - Budget Review Presentation
15	10:01	
16		
17	10:02	Report of Prosecutorial Division
18		
19	10:10	Report of Board Counsel
20		
21	10:17	Report of Regulatory Counsel
22		
23	10:36	Recess
24	10:49	Return to Open Session
25		
26	10:49	Report of Commissioner
27		
28	11:02	Old Business/New Business
29		
30	11:31	Report of Board Chairman
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32	11:35	Executive Session
33	12:03	Return to Open Session
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35	12:03	Motions
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37	12:18	Adjournment
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