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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, August 17, 2022

State Board of Podiatry  
August 17, 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 - Absent  
Dia D. McCaughan, D.P.M., Secretary  
Eric B. Greenberg, D.P.M., J.D.  
William D. Fetchik, D.O.

BUREAU PERSONNEL:

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

1 \*\*\*

2 State Board of Podiatry

3 August 17, 2022

4 \*\*\*

5 [Pursuant to Section 708(a)(5) of the Sunshine Act,  
6 at  
7 9:30 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, August 17,  
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.]

22 \*\*\*

23 [Nichole Wray, Board Administrator, reminded everyone  
24 the meeting was being recorded, and voluntary  
25 participation constitutes consent to be recorded.]

1 \*\*\*

2 Approval of minutes of the June 15, 2022 meeting

3 CHAIRMAN PARIS:

4 I know that all Board members have  
5 received a copy of the minutes from the  
6 June 15, 2022 meeting.

7 If anyone has anything to discuss  
8 regarding the approval of minutes, feel  
9 free to say something; otherwise, we will  
10 be looking for a motion to approve the  
11 minutes from June 15, 2022.

12 DR. FETCHIK:

13 So moved.

14 DR. GREENBERG:

15 I second.

16 CHAIRMAN PARIS:

17 Nikki, do you want to do a roll call  
18 vote?

19  
20 Arion Claggett, aye; Dr. Paris, aye; Dr.  
21 McCaughan, aye; Dr. Greenberg, aye; Dr.  
22 Fetchik, aye.

23 [The motion carried unanimously.]

24 \*\*\*

25 Report of Prosecutors - No Report

1 \*\*\*

2 Report of Board Counsel - Other

3 [Todd P. Kriner, Esquire, Board Counsel, noted the  
4 Board met in Executive Session to have attorney-  
5 client consultation and for the purpose of conducting  
6 quasi-judicial deliberations prior to the public  
7 session.

8 Mr. Kriner notified Board members that Dr.  
9 Lawrence Kansky filed an appeal of the Final  
10 Adjudication and Order issued in June. He mentioned  
11 that counsel was waiting to file the record with the  
12 Commonwealth Court, and there would be a briefing  
13 scheduled at a later date.]

14 \*\*\*

15 Report of Regulatory Counsel - Regulatory Status  
16 Report

17 [Todd P. Kriner, Esquire, Board Counsel, informed  
18 everyone that 16A-4417 Continuing Education  
19 Regulation was published in *the Pennsylvania Bulletin*  
20 on August 5 and is now official.

21 Mr. Kriner noted 16A-449 acupuncture package is  
22 under departmental review.

23 Mr. Kriner noted the proposed regulation package  
24 for 16A-4419 Licensure by Endorsement and  
25 Qualifications for Licensure is also under

1 departmental review. Mr. Kriner stated that  
2 Regulatory Counsel is drafting 16A-4418  
3 Administration and Prescription of Drugs.

4 Mr. Kriner noted the proposed regulatory package  
5 for 16A-448 Sexual Misconduct is under departmental  
6 review.

7 Mr. Kriner noted Regulatory Counsel is drafting  
8 16A-4411 Volunteer License.

9 Mr. Kriner referred to 16A-4412 Child Abuse  
10 Reporting Requirements, noting counsel is revising  
11 the proposed rulemaking to reflect numerous changes  
12 requested by the Independent Regulatory Review  
13 Commission (IRRC).

14 Mr. Kriner informed Board members that he would  
15 get a number for the radiographic assistants'  
16 regulation, noting he drafted a memo and presented it  
17 internally, which is under departmental review. He  
18 will be moving forward with drafting the preamble and  
19 annex because he received no comments. He mentioned  
20 that the regulation would be discussed further when  
21 they discuss the Radiation Health and Safety Exam  
22 administered by the Dental Assisting National Board  
23 later on the agenda.

24 Mr. Kriner informed Board members that the  
25 legislative initiative the Board discussed and

1 approved counsel to draft and move forward at the  
2 June 2022 meeting was completed and under  
3 departmental review. He reported receiving no  
4 response at this time.]

5 \*\*\*

6 Report of Board Chair

7 [Michael J. Paris, D.P.M., M.B.A., Chairman,  
8 commented that the Board does a good job spelling out  
9 continuing medical education (CME) and licensure  
10 requirements but noted the importance of discussing  
11 legal requirements of podiatrists in the state.

12 Chairman Paris addressed medical malpractice and  
13 the Podiatry Practice Act, noting the requirements  
14 and options may not be spelled out on the website for  
15 podiatrists. He mentioned being solicited by various  
16 insurance companies wanting him to buy malpractice  
17 insurance but not knowing whether the companies are  
18 legal in Pennsylvania.

19 Chairman Paris addressed the importance of  
20 podiatrists in Pennsylvania knowing which medical  
21 malpractice insurance companies are admitted into  
22 Pennsylvania to legally provide insurance. He stated  
23 such matters come under the jurisdiction of the  
24 Pennsylvania Insurance Department and believed there  
25 needed to be a connection between their Board and the

1 department as far as steering licensees in the right  
2 direction.

3 Dr. Greenberg stated the public and citizens of  
4 Pennsylvania need to go to a podiatrist who is  
5 insured by a company admitted into Pennsylvania for  
6 protection if the company goes bankrupt or there is a  
7 claim against the podiatrist. He also mentioned  
8 receiving unsolicited calls and not knowing whether  
9 the company is admitted or not admitted.

10 Dr. Greenberg suggested having a link on the  
11 website to the Pennsylvania Insurance Department for  
12 licensees that would provide a list of those  
13 companies admitted to provide insurance to  
14 podiatrists in Pennsylvania and only consist of  
15 reliable companies. He asked whether someone could  
16 contact the State Insurance Department.

17 Dr. Greenberg also suggested the insurance  
18 provided by the Joint Underwriting Association (JUA)  
19 of Pennsylvania, whose main purpose is to provide  
20 insurance for health care providers who cannot  
21 otherwise obtain insurance coverage from the private  
22 market, be included in the list of companies. He  
23 noted they also provide insurance for nonsurgical  
24 podiatrists that should be accessible for licensees  
25 to review. He recommended an email blast be sent to



1 all licensees informing them of the link on the Board  
2 to the Pennsylvania Insurance Department.

3 Acting Commissioner Claggett agreed with the  
4 addition of the medical malpractice requirement to  
5 the website and asked Ms. Wray to contact the  
6 Pennsylvania Department of Insurance to see what is  
7 searchable publicly for podiatrists and add that link  
8 as well.

9 Dr. Greenberg stated there are many companies  
10 that sell medical malpractice insurance, but not all  
11 provide insurance for podiatrist and suggested asking  
12 the Pennsylvania Insurance Department for their  
13 cooperation in finding companies that provide  
14 insurance specifically for podiatrists, including the  
15 Pennsylvania Joint Underwriting Association.

16 Dr. Greenberg noted the Pennsylvania Insurance  
17 Department keeps track of a company's financial  
18 standing, and the Board would not be endorsing or  
19 saying anything about the quality of any company.

20 Acting Commissioner Claggett discussed commencing  
21 the work on those requests, along with Ms. Wray  
22 contacting the Department of Insurance and checking  
23 with JUA. He suggested the matter be placed on the  
24 agenda for the next Board meeting, where he would  
25 provide an update for discussion.

1 Chairman Paris referred to a lengthy discussion  
2 last meeting regarding the Department of  
3 Environmental Protection's (DEP) requirements of  
4 podiatrist who take X-rays in their office. He  
5 stated there are many podiatrists who do not realize  
6 there are Board regulations and DEP regulations as  
7 far as X-rays and suggested putting a link on their  
8 webpage regarding the DEP and directing podiatrists  
9 where to find the information.

10 Chairman Paris stated it was determined at the  
11 previous meetings to allow carryover of 10 CME  
12 credits and suggested sending an email blast to  
13 licenses and updating their webpage.

14 Mr. Kriner explained that it was not as simple as  
15 just approving the carryover, because the regulations  
16 specify that licensees cannot carry over credits and  
17 would require an amendment to permit the carryover of  
18 10 continuing education (CE) credits. He noted the  
19 Board approved the carryover of 10 CE credits, but it  
20 was not done because they had already been in the  
21 process of going in front of IRRC to have that CE  
22 regulation approved and missed the vote on adding it  
23 to that regulation.

24 Dr. Greenberg commented that the Board is just  
25 adding something but not waiving their approval of

1 all online credits by voting on this.

2 Mr. Kriner noted the removal under § 29.61(a),  
3 "excess clock hours may not be carried over to the  
4 next biennium" and the addition of "May carryover up  
5 to 10 CE credits."]

6 MR. KRINER:

7 The Board would entertain a motion to  
8 direct Board Counsel to amend the  
9 regulation at § 29.61 to add carryover  
10 may be a 10-hour carryover per biennium.

11 DR. FETCHIK:

12 So moved.

13 DR. GREENBERG:

14 I second the motion.

15 CHAIRMAN PARIS:

16 Can we get a roll call vote?

17

18 Arion Claggett, aye; Dr. Paris, aye; Dr.  
19 McCaughan, aye; Dr. Greenberg, aye; Dr.  
20 Fetchik, yes.

21 [The motion carried unanimously.]

22

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23 [Todd P. Kriner, Esquire, Board Counsel, commented  
24 that there are a lot of regulations in the pipeline,  
25 and it may be something that could be added to one of

1 the other regulations already in the pipeline because  
2 it is just that one sentence. He informed Board  
3 members that he would discuss the matter with senior  
4 Regulatory Counsel to ensure the most streamline and  
5 efficient way possible.]

6 \*\*\*

7 Report of Acting Commissioner  
8 [Arion R. Claggett, Acting Commissioner, Bureau of  
9 Professional and Occupational Affairs, notified  
10 everyone of in-person Board member training on  
11 October 24, 2022, from 8 a.m. to 4 p.m. in  
12 Harrisburg. He noted the training is mandatory for  
13 public members but also encouraged professional  
14 members to attend. He noted topics would include the  
15 role of prosecution and Board Counsel. He also  
16 mentioned everyone should have received an email.]

17 \*\*\*

18 Report of Board Administrator - Other  
19 [Nichole Wray, Board Administrator, informed Board  
20 members that email blasts were sent to all active  
21 licensees on Monday, August 15 regarding 16A-4417  
22 continuing education, highlighting changes that up to  
23 100 percent of continuing education may be completed  
24 online through approved synchronous and/or  
25 asynchronous distance education, along with providing

1 the definitions of synchronous versus asynchronous  
2 distance education.

3 Ms. Wray noted the email also included an  
4 attachment of the Board's updated renewal CME  
5 requirements, which could also be found on the  
6 Department of State's website under general board  
7 information at [www.dos.pa.gov/pod](http://www.dos.pa.gov/pod).

8 Ms. Wray read a public notice issued by the  
9 Council on Podiatric Medical Education (CPME), dated  
10 August 11, 2022, and shared by the Federation of  
11 Podiatric Medical Boards (FPMB) yesterday, stating  
12 the Council on Podiatric Medical Education (CPME) is  
13 aware of the recent announcements by the American  
14 Board of Podiatric Medicine (ABPM) to offer a  
15 Certificate of Added Qualification (CAQ) in podiatric  
16 surgery. She noted the Council does not recognize or  
17 approve any CAQs within its current policies and  
18 procedures for board recognition.

19 Ms. Wray stated CAQs are not equivalent to  
20 certification and cannot lead to certification in any  
21 specific content area, where the Council believes it  
22 would be confusing to the public to provide a  
23 qualification in podiatric surgery when there is a  
24 surgical certification board within the profession.

25 Ms. Wray stated the Joint Committee on the

1 Recognition of Specialty Boards (JCRSB) was  
2 restructured as a standing committee of the Council  
3 as the Specialty Board Recognition Committee (SBRC)  
4 as of March 2022 and is no longer a joint committee  
5 with the American Podiatric Medical Association  
6 (APMA). She noted the ruling made by the JCRSB in  
7 2018 is still in effect and states that, although the  
8 ABPM was offering CAQs, all language on the  
9 actual CAQ provided to its certificants must state  
10 that the CAQ is not a CPME-recognized product.

11 Ms. Wray stated the Council had already appointed  
12 an ad hoc advisory committee to begin the rewrite of  
13 the SBRC documents beginning in the fall of 2022.  
14 She stated the Council's rules and procedures are the  
15 result of a thoughtful and deliberative process, and  
16 CPME would continue to vigorously enforce its  
17 existing and future standards with due process.

18 Ms. Wray stated CPME requested that all specialty  
19 boards refrain from implementing CAQs, including the  
20 CAQ in podiatric surgery, until the rewrite process  
21 is complete.

22 Ms. Wray informed Board members that CPME is  
23 making the public statement so there is no ambiguity  
24 in its current position with respect to CAQs and  
25 ensuring that stakeholders have accurate facts about

1 the Council's prevailing policy.

2 Ms. Wray addressed additional context from CPME's  
3 website that two specialty boards aligned with three  
4 special areas of practice are recognized by the  
5 Council and the JCRSB. She stated recognition is  
6 based upon the demonstrated ability of a board to  
7 satisfy established criteria, and with a view towards  
8 ensuring the health and safety of the public, only  
9 one specialty board may be recognized to conduct  
10 certification for each designated podiatric medical  
11 specialty area.

12 Ms. Wray noted the American Board of Podiatric  
13 Medicine is recognized as the certifying board for  
14 the specialty areas of podiatric orthopedics and  
15 primary podiatric medicine, and the American Board of  
16 Foot and Ankle Surgery is recognized as the  
17 certifying board for the specialty area of podiatric  
18 surgery.

19 Ms. Wray informed everyone to direct any  
20 questions related to the public notice to the Council  
21 on Podiatric Medical Education at [CPMEstaff@cpme.org](mailto:CPMEstaff@cpme.org).  
22 She noted forwarding a copy of that notice to Board  
23 members yesterday and asked that the announcement be  
24 posted on Department of State's website under the  
25 announcement page.

1 Ms. Wray announced receiving approval to update  
2 the equipment registration requirements information,  
3 noting the Department of State's website had already  
4 been updated and reviewed the changes with Board  
5 members. She referred to general Board information  
6 and informed everyone of an additional auxiliary  
7 personnel link under applications.]

8

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9 Continuing Education Program Approval - Jefferson  
10 Health Northeast Podiatry Grand Rounds - September  
11 22, 2022

12 [Todd P. Kriner, Esquire, Board Counsel, informed  
13 Board members that Jefferson Health Northeast  
14 Podiatry Grand Rounds Continuing Education Program  
15 would not require Board approval since it already had  
16 been approved by the committee. He explained that  
17 any programs denied by the committee would have to be  
18 presented to the Board.]

19

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20 For the Board's Information/Discussion - Board  
21 Meeting

22 Dates

23 [Michael J. Paris, D.P.M., M.B.A., Chairman, noted  
24 2022 and 2023 Board meeting dates for the Board's  
25 review.]



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1  
2 For the Board's Information/Discussion - Old  
3 Business/New Business - Radiation Health and Safety  
4 Exam Administered by the Dental Assisting National  
5 Board (DANB)

6 [Nichole Wray, Board Administrator, provided  
7 clarification with the help of Mr. Jarabeck to the  
8 Board's previous discussions concerning what the  
9 Dental Board accepts as a radiology exam, which is  
10 the Dental Assisting National Board. She provided  
11 documents, including the actual application for  
12 registration, qualification requirements, and  
13 examination guidelines. She reminded everyone that  
14 the State Board of Podiatry recognizes not only the  
15 exam from PPMA but also exams approved by the Board  
16 of Medicine, Board of Chiropractic, and Board of  
17 Osteopathic Medicine.

18 Chairman Paris commented that dental assistants  
19 are adept regarding X-rays as far as safety and  
20 technique much more than any other assistants and  
21 would be in favor of having the DANB as an option.

22 Chairman Paris stated an unemployed dental  
23 assistant could still keep their certification, but  
24 it was not an option in podiatry. In order for a  
25 podiatric assistant to get any kind of certification

1 through their facilitation, the applicant must be  
2 currently employed by a podiatrist who is a member of  
3 the APMA, which makes it more difficult to find  
4 someone who is certified. He noted the regulations  
5 state someone can pass any test that is approved and  
6 administered by their Board, where someone could  
7 present a test similar to a dental exam or any other  
8 exam and present it to the Board for approval and  
9 would be an option at some point.

10 Mr. Kriner informed Board members that they have  
11 to be in agreement that this is the type of exam that  
12 would be approved. He noted reviewing this  
13 particular exam and referred to § 29.83(a), where it  
14 reads, "With an emphasis placed on the scope of  
15 practice of podiatric medicine" and wanted to make  
16 sure this particular exam would cover this.

17 Chairman Paris mentioned the need for more  
18 information and looking further at the Board of  
19 Medicine, Board of Chiropractic, and Board of  
20 Osteopathic Medicine tests. He noted the importance  
21 of a podiatric assistant knowing how to shield the  
22 patient, collimate the machine, and clean the machine

23 Mr. Kriner and Ms. Wray will review the exams  
24 approved by the Board of Medicine, Board of  
25 Chiropractic, and Board of Osteopathic Medicine.

1 Chairman Paris suggested including the American  
2 Registry of Radiologic Technologists (ARRT) model  
3 exam as well. He noted there would be no voting  
4 until additional information is received for  
5 discussion at the next meeting.]

6

\*\*\*

7 For the Board's Information/Discussion - Old  
8 Business/New Business - Updates to Approved  
9 Pharmaceuticals

10 [Michael J. Paris, D.P.M., M.B.A., Chairman, referred  
11 to updates to approved pharmaceuticals.

12 Dr. Fetchik informed Board members that diuretics  
13 for stasis changes in the lower extremities and  
14 antiplatelet agents that could be used for  
15 cardiovascular issues affecting the lower  
16 extremities, such as Buerger's disease, were not  
17 mentioned in any of the lists.

18 Dr. McCaughan addressed an issue with a patient  
19 in need of a diuretic and having difficulty trying to  
20 correspond with the primary care physician's office  
21 to get someone to see the patient within a timely  
22 manner and prescribe it.

23 Chairman Paris requested information regarding  
24 the process of adding medications to the list.

25 Mr. Kriner noted amendments recommendations had

1 been made to the therapeutic drugs at § 29.41 before,  
2 but the policy department and governor's office  
3 turned it down because they were not sure of how the  
4 particular drugs related to the scope of practice of  
5 podiatry and concern of treating systemic disease as  
6 opposed to as it relates to the scope of podiatric  
7 medicine.

8 Mr. Kriner noted he would need the Board's help  
9 in clearly defining these drugs and what they would  
10 be used for, making sure it is within the scope of  
11 podiatric medicine.

12 Dr. McCaughan offered to provide an outline of  
13 what diagnoses podiatry would be treating with  
14 specific drugs.

15 Mr. Kriner stated the Board knows what the policy  
16 office and governor's office concerns are and could  
17 specifically address those by amending § 29.41 to add  
18 the specific drugs to that list. He also mentioned  
19 it would be important to know what other states are  
20 doing as well. He noted the provisions were adopted  
21 in 1971 and amended in 1990.

22 Chairman Paris noted the importance of updating  
23 the list because there are whole categories of  
24 medications that have been developed after 1990,  
25 along with medications themselves with new approved

1 uses.

2 Dr. Greenberg commented that it is within their  
3 statutory definition, where in their scope of  
4 practice, medicine includes local manifestations of  
5 systemic disease and would fall within that  
6 parameter.]

7 \*\*\*

8 Adjournment

9 CHAIRMAN PARIS:

10 Could we get a motion to adjourn the  
11 meeting?

12 DR. FETCHIK:

13 Motion to adjourn.

14 DR. GREENBERG:

15 I second the motion.

16 CHAIRMAN PARIS:

17 All in favor? The meeting is adjourned.

18 [The motion carried unanimously.]

19 \*\*\*

20 [There being no further business, the State Board of  
21 Podiatry Meeting adjourned at 11:32 a.m.]

22 \*\*\*

23

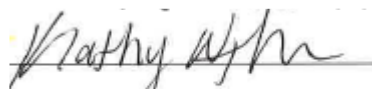
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CERTIFICATE

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.



Kathryn Witherow,

Minute Clerk

Sargent's Court Reporting  
Service, Inc.

STATE BOARD OF PODIATRY  
REFERENCE INDEX

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TIME	AGENDA
9:30	Executive Session
10:30	Return to Open Session
10:30	Official Call to Order
10:30	Roll Call/Introduction of Attendees
10:31	Approval of Minutes
10:32	Report of Board Counsel
10:34	Report of Regulatory Counsel
10:36	Report of Board Chair
10:57	Report of Acting Commissioner
11:03	Report of Board Administrator
11:10	Continuing Education Program Approval
11:11	For the Board's Information/Discussion
11:32	Adjournment