

BOARD OF REGISTRATION IN PODIATRY
1000 Washington Street
Boston, MA. 02118

MINUTES FROM June 9, 2015

Meeting was called to order at 10:01 am

Members Present: Raymond S. Murano, DPM, Chairman
Leroy Kelley, DPM, Member
Ken Leavitt, DPM, Member
Tanya Basu, PharmD, JD., Secretary

Also Present: Neldy Jean-Francois, Executive Director
Ann Barry, Associate Executive Director
Ana Garcia, Associate Executive Director
Ann Driscoll, RN, Investigative Supervisor
Sheila York, Board Counsel

HOUSEKEEPING & EVACUATION PROCEDURES
Evacuation procedures completed by Neldy Jean-Francois.

LISTENING SESSION

- Board Counsel Sheila York opened the session with a reading of the rules of the listening session. Chair called the first speaker.
- Patricia Willett – licensed radiologic technologist representing Massachusetts Society of Radiologic Technologists (MSRT). Ms. Willett is seeking regulations related to radiographic procedures and exposure in podiatry medicine. Ms. Willett stated that the Podiatry regulations are in conflict with Mass Gen Law c. 111, s. 5N and 105 CMR 125.000 and 105 CMR 120.403. She submitted written comments as well.
- Darren Sack – licensed radiologic technologist also representing MSRT and is the president of that organization. There are 136 machines registered to podiatric practices. Anyone working with ionizing radiation should be licensed. Does not agree that the podiatrist staff is included under the podiatrist's license. Would like to partner with Board of Podiatry to establish minimum qualifications relating to x-ray services and have done this with other groups.
- Ronna Wallace – representing Massachusetts Ortheopedic Association (“MOA”), Submitted remarks that letting podiatrists perform surgery on

ankle is outside the Board's statutory authority. She stated that the MOA would also be submitting written comments.

- David Leclair – representing MSRT. Mr. LeClair stated that he has been lobbying in Washington for 14 years for a radiation safety bill. He stated that the current Podiatry regulations allowing assistants to take x-rays are in conflict with G.L. c. 111, s. 5N.
- Kimberly Sullivan spoke on behalf of the Massachusetts Podiatric Medical Society. She stated that MPMS has submitted written comments during a prior listening session and will submit additional written comments shortly.

Listening session closed at 10:12 am.

REVIEW MINUTES:

- March 10, 2015 Public Minutes
 - Motion By: Dr. Kelley to approve and Seconded by Dr. Murano. Motion passed unanimously.

Introduction of new Deputy Director

- Deputy Director Robert Fortes introduced himself to the Board members

CASES: *[Closed Session: under G.L c 112 s 65C]*

Motion to go to closed session to discuss open cases. Motion by Dr. Kelley, seconded by Dr. Murano. Motion passed unanimously.

Resumed regular session at 10:43 am. Motion by Dr. Leavitt and seconded by Murano.

During the closed session, the Board took the following actions:

- PD-15-016 [SW]
 - Forward to prosecution.
- PD-15-017 [MG]
 - Dismiss without prejudice.
- PD-15-018 [DB]
 - Forward to prosecution.

- National Practitioner Databank report [JK]
 - No further action required.

BOARD COUNSEL: Sheila York, Esq.

- Board Counsel has been in conversations with MassHealth regarding implementation of the statutory requirement that podiatrists, along with other health care practitioners such as medical doctors and nurses, will need to apply to MassHealth to participate as at least a limited participant in MassHealth as a condition of renewing or obtaining a podiatric license. MassHealth is working on regulations describing limited participation status for health care providers. The statutory requirement to enroll as either a full billing participant or a limited participant in MassHealth will not take effect until MassHealth promulgates regulations pertaining to limited participant status. Questions regarding what is a limited participant need to be directed to MassHealth and interested parties should check the MassHealth website for notification of when draft regulations pertaining to limited participation are distributed for public comment.
- Regulation process and Executive Order 562 update. Board Counsel reminded the Board about EO 562, which directed every state agency and licensing board to review their regulations to determine if the regulation is mandated by law or necessary for the protection of the health and safety of the public. Regulations that do not meet the criteria set forth in Section 3 of EO 562 should be rescinded. The listening session held this morning was part of this Board's EO 562 regulation review. The Board will continue its EO 562 review at future Board meetings.
- Pneumatic Compression Devices ("PCDs"). Board counsel would like to know examples of when a podiatrist would prescribe a PCD. As an example, Board members discussed that PCDs may be prescribed by a podiatrist for lower extremity edema or after surgery.

MONITOR REPORT:

- PD-09-006[MT] – Board approves course to qualify as acceptable for terms of consent agreement. Motion to accept the March 31, 2015 monitor report and approve course submitted by licensee made by Dr. Kelley, seconded by Dr. Leavitt. Passed unanimously.

CORRESPONDENCE:

- Email from D. David Tarr regarding CEU course approval request for International Conference on opioids. Board requests course outline prior to making a decision.

Motion to adjourn at 11:02 AM by Dr. Kelley, seconded by Dr. Murano. Motion passed unanimously.

Submitted By



Tanya Basu
Secretary June 9, 2015

Documents used by the Board at Meeting:

- Agenda June 9, 2015 Board Meeting
- Sign In Sheet – June 9, 2015 Listening Session
- March 10, 2015 Public Minutes
- Fourth Quarterly monitoring report re: PD-09-006[MT] and CEU course approval request
- Email from Dr. David Tarr, dated regarding CEU course approval request- International Conference on Opioids