

**Board of Registration of Podiatry**  
**1000 Washington Street, Boston, MA 02118**  
**Minutes of March 8, 2016 Public Meeting**

**Members Present:**

Dr. LeRoy Kelley, Chair  
Dr. Raymond Murano, Secretary  
Dr. Kenneth Leavitt, Member

**Administrative Staff Present:**

Ann-Margarette Barry, Executive Director  
Jennifer Romeo-Porcaro, Associate Executive Director  
Ann Driscoll, RN, Investigative Supervisor  
Sheila York, Board Counsel

**Public Present:**

Harry Schneider, DPM – Mass Podiatric Medical Society  
Kimberly Sullivan – Lynch Associates

Dr. Kelley, the Chair, opened the meeting at 10:02am.

Associate Executive Director Jennifer Romeo-Porcaro informed attendees of the evacuation procedures and location of the restrooms.

**Vote on Minutes of November 10, 2015:** A motion to approve the minutes was made by Dr. Murano, seconded by Dr. Leavitt, and unanimously adopted by the Board.

**A motion to suspend the public meeting and enter closed session under G.L. c. 112, s. 65C for the purpose of discussing investigative matters: PD-16-001 (CG), PD-16-003 (WP), and PD-16-005 (RM), as well as Insurance Notification – MF, and renewal questionnaires, was made by Dr. Leavitt, seconded by Dr. Murano, and unanimously adopted by the Board.**

**A motion to resume the public meeting was made by Dr. Leavitt, seconded by Dr. Murano, and unanimously adopted by the Board.**

**Report of Actions taken in Closed Investigative Conference:**

**Complaints:**

- (a) **PD-16-001 (CG):** A motion to dismiss the case was made by Dr. Leavitt, seconded by Dr. Murano and unanimously adopted by the Board.

- (b) **PD-16-003 (WP)**: A motion to dismiss the case was made by Dr. Murano, seconded by Dr. Leavitt and unanimously adopted by the Board.
- (c) **PD-16-005 (RM)**: The Board directed a letter to be drafted to the respondent. This matter was tabled. The letter will be drafted by the Associate Executive Director Romeo-Porcaro.
- (d) **Insurance Notification – MF**: Received and Evaluated.
- (e) **Renewal Questionnaires**: Reviewed and Evaluated. Direction given to staff.

**Update from the Office of Investigations**, Chief Investigator Chris Carroll and Assistant Chief Investigator Sarah Wilkinson: None

**Executive Director, Ann Barry’s Report to the Board:**

- (a) Welcome new Associate Executive Director: Jennifer Romeo-Porcaro

**Board Counsel, Sheila York’s Report to the Board:**

- (a) **Regulation Review for Executive Order 562**: Board Counsel informed the Board that she had received approval to start the formal regulation promulgation process for this Board’s EO 562 proposed regulation changes. Board Counsel discussed with the Board the public hearing process. There is not a specific date for the public hearing as of yet.
- (b) **Reciprocity requirements**: Board Counsel discussed the statutory and regulatory requirements that must be met for an applicant to qualify for licensure via reciprocity in Massachusetts. Applicants seeking reciprocity will be asked to review the Massachusetts Reciprocity Form and have the state where they are currently licensed sign the second page documenting that the other state would afford a similarly situated MA podiatrist an opportunity to apply for licensure without completing all currently required examinations. Board staff will then review the first page of the form to determine whether the requirements for licensure in the applicant’s current state of licensure on the date the applicant obtained said license was substantially equivalent to the requirement for licensure in Massachusetts on that same date.

If the applicant cannot obtain the other state’s signature on the Reciprocity form, the applicant must submit the regulations and law from the other state relating to licensing podiatrists who hold licenses in other states and Board Counsel will review other state’s regulations to determine whether mutual privileges would be afforded a Massachusetts candidate. Board counsel will make a recommendation to the Board and the Board will vote on whether the statutory requirements for reciprocity have been met. This process is consistent with the statute and proposed amended reciprocity regulation.

(c) **Whether podiatric acupuncture is within scope of practice of podiatrist:** The Board discussed this matter which was prompted by a letter, discussed at a prior Board meeting, from Dr. G. Kim Weeber regarding her practice of podiatric acupuncture. Based on the specific documentation and information provided by Dr. Weeber and available to the Board at this time, the Board does not consider her practice of podiatric acupuncture to be outside the scope of her podiatric license. Board Counsel will send Dr. Weeber a letter informing her of the Board's opinion on this matter.

(d) **Update on pending legal matters:** None

**Correspondence:**

(a) **Letter from dated 12/16/15 from Ira Grenadir, regarding request for reinstatement:** Associate Executive Director Romeo-Porcaro reported that, on December 16, 2015, the Board received a request for reinstatement. After review by the Board, the reinstatement request was approved to proceed. A letter to Ira Grenadir will be drafted by the Associate Executive Director Romeo-Porcaro.

(b) **Letter from dated 12/21/15 from David Agoada, regarding continuing education:** Associate Executive Director Romeo-Porcaro reported that, on December 21, 2015, the Board received a continuing education request. After review by the Board, the continuing education request was approved. A letter to David Agoada will be drafted by the Associate Executive Director Romeo-Porcaro.

(c) **Email dated 1/27/16, from Susan Miles regarding Health Plans recognition of certification boards:** The Board discussed that they have previously recognized as equal certification boards listed in Ms. Miles' email:

- a. The American Board of Podiatric Surgery
- b. The American Board of Podiatric Orthopedics/Primary Podiatric Medicine
- c. The American Board of Multiple Specialties in Podiatry
- d. The American Council of Certified Podiatric Physicians and Surgeons
- e. The American Board of Lower Extremity Surgery

The Board recommends that a Podiatrist certified by one of the listed boards not be excluded from any insurance plan providing coverage in Massachusetts. . The Board is concerned that a health plan's acceptance of one of the certification boards but not another would be unfounded and could be discriminatory because the certification requirements for these Boards are similar. Board Counsel will send the Board's response to Susan Miles.

**A motion to suspend the public meeting and enter closed session under G.L. c. 112, s. 65C for the purpose of discussing a Settlement Conference: PD-15-018 (DB), was made by Dr. Murano, seconded by Dr. Leavitt, and unanimously adopted by the Board.**

**A motion to resume the public meeting was made by Dr. Leavitt, seconded by Dr. Murano, and unanimously adopted by the Board.**

**Report of Actions taken in Closed Settlement Conference:**

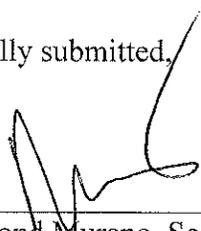
**Settlement Conference – Prosecutor Julie Brady – Closed Session under MGL ch. 112, section 65C – DB (PD-15-018)** – The Board tabled this matter as Dr. Leavitt was advised to make a written disclosure to the Governor’s office to dispel any appearance of a conflict of interest. Without Dr. Leavitt, the Board no longer had a quorum to discuss this matter.

**List of Documents Used at the Public Meeting:**

1. Agenda dated March 8, 2016
2. Minutes dated November 10, 2015
3. Letter from dated 12/16/15 from Ira Grenadir, regarding request for reinstatement
4. Letter from dated 12/21/15 from David Agoada, regarding continuing education
5. Email dated 1/27/16, from Susan Miles regarding Health Plans recognition of certification boards

Dr. Leavitt made a motion to adjourn the meeting at 11:40am, seconded by Dr. Murano and unanimously adopted by the Board.

Respectfully submitted,



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Dr. Raymond Murano, Secretary  
Podiatry Board