

**Board of Registration of Podiatry
Minutes of the November 12, 2019 Public Meeting
1000 Washington Street, Boston, MA 02118
Room 1C**

Board Members Present:

LeRoy Kelley, DPM Chair
Raymond Murano, DPM Secretary
Bruce Bonnell, MD Member
Felix Martinez, PhD Public Member (by phone)

Admin. Staff Present at Various Times:

Michael Hawley, Executive Director
Sheila York, Board Counsel
Anne Driscoll, Investigator Supervisor

Board Members Absent

Kenneth Leavitt, DPM Member

Members of the Public Present

Victoria Ireton
Frank S. Campo, DPM

I. Housekeeping Matters and Evacuation Procedures

Dr. Kelley, the Board Chair, observed a quorum of board members to be physically present and announced that Dr. Martinez would be participating in the meeting via phone. Dr. Kelley opened the meeting at 10:05 am.

Executive Director, Michael Hawley informed attendees of the evacuation procedures.

II. Vote on Minutes:

- October 8, 2019 Meeting Minutes:
Dr. Murano moved to accept the minutes of the October 8, 2019 Board Meeting.
Dr. Bonnell seconded the motion. The motion passed unanimously.

III. New Items:

a. **Board Chair**

Nothing to report.

b. **Executive Director Report:**

- 1) Paperless Renewals: Mr. Hawley reported that the change to paperless renewal has been made and notices have gone out. It is early in the process but some renewals have been processed. The board email address, podiatry@mass.gov, now sends an automated response with information about renewing on-line. A letter has been prepared to send to any

individuals who submit a renewal but attest that they have not applied for Mass Health provider status.

- 2) Limited Licenses: Mr. Hawley reported that there have been consistent delays in licensure for limited license applicants who are also residents in Rhode Island. He posited that one reason for this is that the applicants may be indicating on their MA applications that they hold RI licenses and, therefore their applications are held pending verification letters from RI. However, the RI licenses are not generally issued until after the applicants have already submitted their Massachusetts applications. The board advised Mr. Hawley to contact the directors of the affected residency programs and advise them that the applicants should only indicate licensure in RI on their applications if they already have an RI license at the time they submit their MA application.
- 3) Open Meeting Law signatures, Conflict of Interest Law signatures and Conflict of Interest Law Training: Mr. Hawley discussed the Division of Professional Licensure's new policy of seeking new signatures and training every two years in October to keep the records up to date and to synchronize the training requirement with full time staff training requirements.

c. **Board counsel, Sheila York's report to the board:**

- 1) Update on proposed regulation change: Attorney York reported no news on the proposed regulation changes.
- 2) Informed Consent: Attorney York gave a brief update on Board of Registration in Medicine changes to informed consent rules applicable to medical doctors.
- 3) Policy on Applicants with Criminal Convictions or Open Criminal Charges: The topic was tabled for review at a future meeting.

d. **Discussion:** None

e. **Election of Board Officers:**

Dr. Murano nominated Dr. Kelley to continue as the Board Chair. Dr. Bonnell seconded the nomination. Dr. Kelley accepted the Nomination. Dr. Kelley was elected by a roll call vote: Dr. Murano – “aye”; Dr. Bonnell – “aye”; Dr. Kelley – “aye”; Dr. Martinez – “aye”

Dr. Kelley nominated Dr. Murano to continue as the Board Secretary. Dr. Bonnell seconded the nomination. Dr. Murano accepted the Nomination. Dr. Kelley was elected by a roll call vote: Dr. Murano – “aye”; Dr. Bonnell – “aye”; Dr. Kelley – “aye”; Dr. Martinez – “aye”

f. **Compliance Monitoring:**

- 1) General discussion of compliance monitoring: Mr. Hawley discussed some compliance monitoring issues that will arise due to a number of disciplinary consent agreements that have been recently executed. Mr. Hawley agreed to time any reports to be due two weeks prior to board meetings in order to distribute reports for board review at the meeting.
- 2) Dr. Yoo – Delegation of Authority to review reports: **Dr. Murano moved to authorize Dr. Kelley to review reports received pursuant to Dr. Yoo's consent agreement (case# 2019-000341-IT-ENF). Dr. Bonnell seconded. The motion passed on a roll call vote: Dr. Murano – “aye”; Dr. Bonnell – “aye”; Dr. Kelley – “aye”; Dr. Martinez – “aye”**

e. **Open session for topics not reasonably anticipated by the chair 48 hours in advance of meeting.** – None.

V. **Investigative Session** - Closed Session pursuant to M.G.L. c. 112, Section 65C:

At 10:15 am, Dr. Kelley moved to enter investigative session [Closed Session pursuant M.G.L. c. 112, § 65C] to discuss the following new cases: PD 2019-000509-it-enf& PD 2019-000569-it-enf and to discuss a settlement offer in PD 2019-000682-it-enf Dr. Bonnell seconded the motion. The motion passed on a roll call vote: Dr. Murano – “aye”; Dr. Bonnell – “aye”; Dr. Kelley – “aye”; Dr. Martinez – “aye”

At the end of the closed session, open session resumed.

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

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| • PD 2019-000682-it-enf | Provided guidance to prosecutor, Julie Brady. |
| • PD 2019-000509-it-enf | Dismissed. Dr. Murano recused from this matter. |
| • PD 2019-000569-it-enf | Forwarded to the office of prosecutions Dr. Bonnell recused from this matter. |

Meeting ended at 10:45 am.

Respectfully submitted,



Michael Hawley, Executive Director

List of Documents Used at the Public Meeting:

1. Agenda dated November 12, 2019
2. Draft of minutes from October 8, 2019 Podiatry Board meeting.
3. Consent Agreement for Dr. Yoo 2019-000341-it-enf
4. FAQ regarding 243 CMR chapter 2
5. Executive Summary Chapter 2.00
6. Text of CMR 243 chapter 2
7. Redlined version showing changes to CMR 243 chapter 2