

**Board of Registration of Podiatry**  
**Meeting held by video conference and phone**  
**DATE: June 14 2022**  
**Public Session Minutes**

**A public meeting of the Massachusetts Board of Registration of Podiatry (“the Board”) was held via Videoconference and Conference Call pursuant to Chapter 22 of the Acts of 2022, signed into law on February 12, 2022.**

**Board Members Present by Phone/Video:**

LeRoy Kelley, Chair  
Harry Schneider, DPM  
Raymond Murano, DPM Secretary  
Felix Martinez, PhD Public Member

**Admin. Staff Present by Phone/Video:**

Sheila York, Board Counsel  
Thomas Burke, Executive Director  
Esther Laine, Deputy Commissioner of  
Boards

**Members of the Public Present by Phone/Video:**

Frank Campo, DPM  
Mark Malloy, Esq.

**I. Housekeeping Matters and Evacuation Procedures**

Dr. Kelley, the Board Chair, observing a quorum of board members conducted a roll call of board members present via phone or computer audio and opened the meeting at 10:00 AM.

Evacuation procedures not required since meeting was held remotely.

**II. The Board held a Public Hearing on Proposed Changes to 249 CMR 3.00: Application and Licensure, and 249 CMR 4.00: Practice of Podiatric Medicine.**

The following script was read into the Record of the hearing:

*GOOD MORNING, Please be aware that the hearing portion of today’s meeting is being recorded.*

*Today is Tuesday June 14, 2022, and it is 10:01 a.m.*

*My name is Leroy Kelley. I am Chairman of the Massachusetts Board of Registration in Podiatry.*

*The Board has scheduled a hearing today on proposed revisions to Chapter 3.00 and 4.00 of Title 249 of the Code of Massachusetts Regulations. We will begin by having Board Counsel Sheila York read the notice of the public hearing into the record.*

*Notice is hereby given pursuant to M.G.L. c. 30A, § 2, that the Board of Registration in Podiatry (Board) within the Division of Occupational Licensure (Division), will hold a public hearing to receive comments on proposed amendments to the Board's regulations at 249 CMR 3.00: Application and Licensure, and 249 CMR 4.00: Practice of Podiatric Medicine. Pursuant to the authority granted to the Board by M.G.L. c. 13, §§ 12A - 12C, M.G.L. c. 112, §§ 13 - 22, and M.G.L. c. 30A, the Board is proposing to amend its regulations to:*

- clarify examination requirements for licensees;*
- ease the continuing education requirement for individuals seeking to reinstate their podiatry license; and*
- rescind language relating to the prescribing of hydrocodone-only extended release medication that is not in an abuse deterrent form.*

***The hearing will be on Tuesday June 14, 2022, at 10:00 a.m. The meeting will be held virtually using TEAMS, a digital meeting program.***

*Speakers are requested to provide a written copy of their testimony. The Board encourages all interested parties to submit written testimony electronically to the following address: [podiatry@mass.gov](mailto:podiatry@mass.gov). Parties who are unable to submit electronic testimony should mail submissions to: Board of Registration in Podiatry, 1000 Washington St., Suite 710, Boston, Massachusetts 02118. All written testimony must be submitted by 5:00 pm on Tuesday, June 14, 2022. A copy of the Notice of Public Hearing and the proposed amendments to Board regulations may be viewed on the Board's website at: [Board of Registration in Podiatry / Mass.gov](https://www.mass.gov/info-details/board-of-registration-in-podiatry) or obtained from the Board by calling [617-701-8717](tel:617-701-8717) or by sending an email to [podiatry@mass.gov](mailto:podiatry@mass.gov).*

*We will now proceed to the public comment portion of the hearing. At this time, we will take the names of anyone who wishes to provide comment. We will then use that list to call each speaker. If you wish to provide comment, please provide your name now.*

Dr. Kelley noted that there were two individuals present who wished to provide comments on the proposed regulations: Mark Molloy, Esq., Cascade Strategies and Frank Campo, DPM.

Attorney Mark Molloy of Cascade Strategies on behalf of the Massachusetts Ankle and Foot Society addressed the Board regarding 249 CMR 3.00. Mr. Molloy proposed the Board change the exam requirement in 249 3.01(1) (c) to reduce the number of years for letters attesting to the applicant's good moral character from individuals who have known the applicant from ten to five years.

Dr. Campo stated that he supported the comments provided by Mr. Molloy on behalf of the state society. He noted that the ten year of personal knowledge requirement for references requires recent graduates of Podiatry college to find someone who knew them since they were in middle school. He noted that the Board performs CORI checks which provide background character information on applicants, which he assumes is what the Board was concerned with when it adopted the 10 year requirement. He suggests reducing that requirement to five years or less.

Mr. Molloy proposed adding the words “formerly known as” to 249 CMR 3.01 (1) (d) in reference to the “PM Lexus examination”.

Mr. Molloy requested that the term diplomat listed in 249 CMR 3.04 4 (a) (3) be changed to “diplomate” to reflect statutory language, and change the acronym AMPMA in 3.05 to the correct APMLE.

Finally, Mr. Molloy proposed that the final sentence of 249 CR 3.05 4 (d) replace “his or her” with the words “the individual’s”.

Dr. Kelley thanked Mr. Molloy, Dr. Campo, and the Massachusetts Ankle and Foot Society for their comments and asked if there was anyone else who would like to provide comment on the proposed regulations?

Dr. Kelley, seeing that no other comments were forthcoming, continued: It is now 10:16 am and it does not appear that any other individual seeks to provide comment on the Board’s proposed regulations. Accordingly, we will close the public hearing at this time and move onto the Board’s regular meeting. Members of the public who wish to stay and attend the public portion of the Board meeting are welcome to do so. Thank you everyone.

Board Staff stopped the recording.

### **III. Vote on Minutes:**

- May 10, 2022 Public Meeting Minutes:  
**Dr. Murano moved to accept the public minutes of the May 10, 2022 Board Meeting. Dr. Schneider seconded the motion. The motion passed by roll call vote: Dr. Murano – “Yes”; Dr. Schneider – “Yes”; Dr. Kelley – “Yes”; Dr. Martinez – “Yes”.**

#### **IV. New Items:**

- **Board Chair**

Dr. Kelley requested discussion of proposed changes from Public Hearing to 249 CMR. 3.00 and 249 CMR 4.00. The Board has not received any comments opposed to the proposed changes. In addition, Board members expressed agreement with the additional changes proposed by the Ankle and Foot Society. With regard to the comment on the years a personal reference must have known the applicant, Dr. Schneider suggested that the references years of knowing the applicant could be reduced from at least ten to at least three years. The Board agreed on that change as well. **After discussion, Dr. Kelley moved to accept the proposed regulations as amended based on the comments received at the Public Hearing as the Board's final proposed regulations. Dr. Schneider seconded the motion. The motion passed by roll call vote: Dr. Murano – "Yes"; Dr. Schneider – "Yes"; Dr. Kelley – "Yes"; Dr. Martinez – "Yes".**

**Attorney York advised the Board that if no further written comments were received by the deadline of tonight, she will complete the required forms and submit the post-hearing proposed regulations as voted on by the Board to the Board's supervising agencies for approval, then she will submit the documents to the Secretary of State's office. This could take a couple of months. The proposed regulations will not become effective until published by the Secretary of the State in the State Register. The Board will post on its website the promulgated regulations once they are in effect.**

- **Executive Director, Thomas Burke's report to the board:**

- i. Mr. Burke notified the Board that his staff is processing approximately twenty applicants for limited licensure. Dr. Schneider reminded Mr. Burke that some residents will begin residency prior to July 1, 2022. Mr. Burke reminded the Board that in-person meetings will resume as of July 15, 2022 pending further action by the legislature. He will alert the Board to changes to open meeting law requirements prior to the next meeting on September 13, 2022. Board members, staff and members of the public are advised to check the Notice of the September meeting carefully to determine the location and form of the meeting.

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

- i. Proposed changes to 249 CMR 3.00 and 249 CMR 4.00  
In light of the discussion and vote on the proposed regulations earlier at this meeting, no further action was taken.

- **Compliance Monitoring**

- i. Delegation to review monitor reports in between board meetings.

Attorney York requests that the Board consider a delegation of one Board member to review monitoring reports to facilitate processing in timely and efficient manner in between board meetings. Dr. Kelley agreed to serve as Board delegate. No further discussion.

- **Open session for topics not reasonably anticipated by the chair 48 hours in advance of meeting.**

None

**V. Investigative Matters and Settlement Offers - [Closed Session Pursuant to M.G.L. c. 112, § 65C]:**

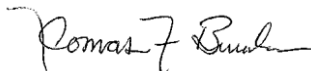
**At 10:34 a.m., Dr. Murano moved to exit open session and enter in Closed Session pursuant to G.L. c. 112, §65C. Dr. Kelley seconded the motion and stated that the Open Meeting would not resume. The motion passed by roll call vote: Dr. Murano – “Yes”; Dr. Schneider – “Yes”; Dr. Kelley – “Yes”; Dr. Martinez – “Yes”.**

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

- 2021-001131-IT-ENF – Dismissed.
- 2022-000247-IT-ENF – Dismissed.

**At 10:57 am, Dr. Schneider moved to adjourn the public meeting. Dr. Murano seconded. The motion passed by roll call vote: Dr. Murano – “Yes”; Dr. Schneider – “Yes”; Dr. Kelley – “Yes”; Dr. Martinez – “Yes”.**

Respectfully submitted,



---

Thomas F. Burke, Executive Director

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

1. Agenda June 14, 2022 meeting
2. Proposed changes to 249 CMR 3.00: Application and Licensure and 249 CMR 4.00: Practice of Podiatric Medicine
3. Public Session Minutes for May 10, 2022