

**Board of Registration of Podiatry
Minutes of the January 14, 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
Kenneth Leavitt, DPM Member

Admin. Staff Present at Various Times:

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

Board Members Absent

Felix Martinez, PhD Public Member

Members of the Public Present

Michael Moharan, DPM
Richard M. Haley, Esq.

I. Housekeeping Matters and Evacuation Procedures

Dr. Kelley, the Board Chair, observing a quorum of board members to be physically present, opened the meeting at 10:00 am.

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

II. Vote on Minutes:

- November 12, 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 all renewals were submitted electronically. There did not appear to be significant problems with the renewals. A number of licensees reported that they did not have or apply for MassHealth. Those licensees received letters informing them that MassHealth is now required and of how to apply for provider status. The letters included an attestation form that could be mailed, faxed or attached

to an email. Those who submitted the attestation form had their renewals approved and processed. Next month Mr. Hawley will provide more information on Lapses and other renewal related data.

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) Policy on Applicants with Criminal Convictions or Open Criminal Charges: The Board discussed the draft policy but agreed that, in the exception for minor traffic violations, the \$300 fine limit was set too low. The Board discussed increasing the amount that would trigger the disclosure requirement or to clarify that civil traffic infractions did not need to be disclosed. Ms. York stated that she would edit the draft policy accordingly. **Dr. Murano moved to give Ms. York the authority, in consultation with the Board Chair, to modify the exception language as discussed by the Board and to approve the policy as so amended. Dr. Bonnell seconded. The motion passed unanimously.**

d. Discussion:

- 1) Arthur Giles: request for waiver of CME requirements – Dr. Giles requested that the board waive the CME requirements for renewal due to his limited practice and advanced age. **Dr. Kelley moved to grant the request. Dr. Murano seconded. The motion failed on a tie vote: two “yes” and two “no”**

e. Compliance Monitoring:

- 1) Dr. Yoo: Dr. Yoo requested that the Board allow a modification of his consent agreement in 2019-000341-IT-ENF. The agreement had required that any surgery he performed be monitored and reported on by certain doctors in his hospital. The hospital would not allow the doctors to file reports with the Commonwealth, pursuant to the consent agreement. Dr. Yoo asked that the consent agreement be modified to restrict him from performing surgery for the term of the consent agreement. There was some discussion of how long the restriction should endure. **Dr. Murano moved to authorize Ms. York to modify the consent agreement in 2019-000341-IT-ENF to restrict Dr. Yoo from performing surgery for three months from his last performed surgery. Dr. Bonnell seconded. The motion passed unanimously.**
- 2) Dr. Moharan: Dr. Moharan's license to practice podiatry had been summarily suspended pursuant to 2019-000643-IT-ENF. Consistent with

the terms of the consent agreement in this matter, Dr. Moharan has submitted a request for reinstatement of his license. He appears before the Board accompanied by his attorney, Richard M. Haley.

Executive Session [Closed session pursuant to G.L. c. 30A § 21(a) (1)]:

Dr. Murano moved to enter executive session [Closed session pursuant to G.L. c. 30A § 21(a) (1)] to consider confidential information pursuant to Dr. Moharan's request for reinstatement. Dr. Bonnell seconded the motion. Motion passed on a roll call vote - Dr. Murano: "Yes"; Dr. Bonnell: "Yes"; Dr. Kelley: "Yes"; Dr. Leavitt: "Yes". The Chair estimated that public session would resume in 15 minutes.

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

Dr. Kelley moved to grant Dr. Moharan's petition and to approve Dr. Moharan's choice of any of the three monitors requested. Dr. Bonnell seconded. The Motion passed unanimously.

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

Dr. Kelley recused himself from discussion of the following matter and left the meeting.

- V. **Investigative Session - Closed Session pursuant to M.G.L. c. 112, Section 65C: At 10:50 am, Dr. Murano moved to enter investigative session [Closed Session pursuant M.G.L. c. 112, § 65C] to discuss the following new case: PD 2019-001162-it-enf. Dr. Bonnell seconded. The motion passed unanimously.**

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

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

- PD 2019-001162-it-enf Dismissed. Dr. Kelley recused from this matter.

Meeting ended at 10:55 am.

Respectfully submitted,

A handwritten signature in black ink, reading "Michael Hawley". The signature is fluid and cursive, with a long horizontal stroke at the end.

Michael Hawley, Executive Director

List of Documents Used at the Public Meeting:

1. Agenda dated January 14, 2020
2. Draft of minutes from November 12, 2019 Podiatry Board meeting.
3. Draft of Policy on Applicants with Criminal Convictions or Open Criminal Charges
4. CME waiver request from Dr. Giles
5. Request from Dr. Yoo 2019-000341-it-enf
6. Reinstatement petition from Dr. Moharan