

**Board of Registration of Podiatry
Minutes of the September 10, 2019 Public Meeting
1000 Washington Street, Boston, MA 02118
Room 1C**

Board Members Present:

LeRoy Kelley, DPM Chair
Kenneth Leavitt, DPM Member
Raymond Murano, DPM Secretary
Felix Martinez, PhD Public Member

Admin. Staff Present at Various Times:

Michael Hawley, Executive Director
Sheila York, Board Counsel
Anne Driscoll, Investigator Supervisor
Thomas F. Burke, Assoc. Exec Director

Board Members Absent

Bruce Bonnell, MD Member

Members of the Public Present

Scott Aronson, DPM
Mark Molloy, Esq.

I. Housekeeping Matters and Evacuation Procedures

Dr. Kelley, the Board Chair, observed a quorum of board members to be present and opened the meeting at 10:08 am.

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

II. Vote on Minutes:

- June 11, 2019 Meeting Minutes:

Dr. Murano moved to accept the minutes of the June 11, 2019 Board Meeting. Dr. Kelley seconded the motion. The motion passed 3-0, with Dr. Martinez abstaining.

III. New Items:

a. **Board Chair**

Nothing to report.

b. **Executive Director Report:**

Nothing to report.

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

- 1) Update on proposed regulation change: Attorney York reported on the status of the deletion of Section 4.02(2) regarding hydrocodone-only extended release medications, which remains in the approval process. She

reported that a review of section of the regulations, similar to that undertaken in 2015 is in the works. This change may be combined with the new review process.

- d. **Discussion:** None:
- e. **Open session for topics not reasonably anticipated by the chair 48 hours in advance of meeting.** – Dr. Aronson from the Massachusetts Foot and Ankle Society and Attorney Molloy from Lynch Associates reported to the board that there has been a change in the Board of Registration in Medicine (BORIM) regulations regarding informed consent. Dr. Aronson and Attorney Molloy provided the board with a copy of the revised 243 CMR 2.07(26) and BORIM’s Informed Consent FAQs. The documents were read and filed.

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

At 10:16 am, Dr. Murano moved to enter investigative session [Closed Session pursuant M.G.L. c. 112, § 65C] to discuss settlement offers in the following cases: PD 2018-000296-it-enf, PD 2019-000341-it-enf and PD 2019-000643-it-enf as well as to discuss the following new cases: PD 2019-000609-it-enf and PD 2019-000506-it-enf Dr. Kelley seconded the motion. The motion passed unanimously.

At 11:00 am Dr. Murano recused from discussion of PD 2019-000609-it-enf and left the closed session. He returned at 11:17 to participate in the discussion of other cases.

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

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

- PD 2018-000296-it-enf Dismiss with advisory
- PD 2019-000341-it-enf Guidance on settlement provided to prosecutor
- PD 2019-000643-it-enf Guidance on settlement provided to prosecutor
- PD 2019-000609-it-enf Referred to the office of prosecutions; Murano recused
- PD 2019-000506-it-enf Referred to the office of prosecutions

Dr. Kelley moved to adjourn the meeting at 11:30 am. Dr. Murano seconded. The motion passed unanimously.

Respectfully submitted,

A handwritten signature in black ink that reads "Michael Hawley". The signature is written in a cursive style with a long horizontal flourish at the end.

Michael Hawley, Executive Director

List of Documents Used at the Public Meeting:

1. Agenda dated September 10, 2019
2. Draft of minutes from June 11, 2019 Podiatry Board meeting.
3. 243 CMR 2.07(26)
4. BORIM FAQs on Informed Consent