

Board of Registration of Podiatry
Meeting held by video conference and phone
DATE: March 8, 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
Raymond Murano, DPM Secretary
Harry Schneider, DPM

Admin. Staff Present by Phone/Video:

Sheila York, Board Counsel
Thomas Burke, Executive Director

Board Members Not Present by Phone/Video:

Felix Martinez, PhD Public Member

Members of the Public Present by Phone/Video:

I. Housekeeping Matters and Evacuation Procedures

Dr. Kelley, the Board Chair, observing a quorum of board members to be present via phone or computer audio, opened the meeting at 10:03 AM.

Evacuation procedures not required since meeting was held remotely.

II. Vote on Minutes:

- February 8, 2022 Public Meeting Minutes:
Dr. Murano moved to accept the public minutes of the February 8, 2022 Board Meeting. Dr. Schneider seconded the motion. The motion passed by roll call vote: Dr. Murano – “Yes”; Dr. Schneider – “Yes”; Dr. Kelley – “Yes”.

III. New Items:

- **Board Chair**
No discussion.
- **Executive Director, Thomas Burke’s report to the board:**
Executive Director Thomas Burke reported that the proposed FY22 supplemental budget H. 4345 was signed into law on February 12, 2022. The law will permit the Board to continue to meet via electronic means through the June 2022 meeting.

- **Board counsel, Sheila York’s report to the board:**
 - i. Attorney York echoed Mr. Burke’s report on the open meeting law requirements and noted that a more permanent solution to allow for remote meetings in the future may be considered.
 - ii. Attorney York provided guidance to the Board on the recent Department of Public Health (“DPH”) policy requiring certain health care practitioners to provide cost of care for healthcare services. She reminded the Board that podiatrists are currently not subject to these statutory requirements. Dr. Kelley asked Board Counsel to see if DPH has any guidance as to what a health care practitioner should do if the patient’s insurance company refuses to provide the practitioner with the information necessary to provide a cost estimate to the patient.

IV. Board Business:

- i. No report.

V. Compliance Monitoring

- i. Moharan: The board reviewed Dr. Moharan’s ninth compliance monitoring report.
Dr. Schneider moved to accept the report. Dr. Murano seconded. The motion passed by roll call vote: Dr. Murano – “Yes”; Dr. Kelley – “Yes”; Dr. Schneider – “Yes”.

VI. Board Discussion.

- i. Update on Proposed Regulations: Board counsel stated that one of the primary changes in the proposed regulations is to eliminate the extra steps and documentation that a podiatrist must do before prescribing hydrocodone only extended release medication. This will have no impact on the podiatrist’s scope of practice.
- ii. CE requirement during residency: The Board discussed whether residents holding limited-licenses to practice podiatry are required to complete continuing medical education (CME) courses during their residency but before full licensure. Board counsel reported that the regulations do not require limited licensees to obtain CME. The Board noted, however, that some residents have already obtained full licensure and as such they are obligated to complete CMEs unless the Board issues a waiver based on good cause shown. The Board discussed that the education received during residency satisfies the purpose of the general continuing education requirement. However, all licensed podiatrists, even those in their residency, must

still complete the one-hour opioid requirement. **Dr. Murano moved to adopt a policy granting an exemption for CME requirements except the opioid requirement for full licensees who are still in their residency program. Dr. Schneider seconded. The motion passed by roll call vote: Dr. Murano – “Yes”; Dr. Kelley – “Yes”; Dr. Schneider – “Yes”.** Board counsel will draft the policy and provide it to the Board members at a future meeting.

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

None

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

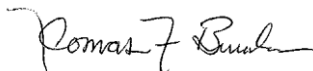
At 10:25 a.m., Dr. Murano moved to exit open session and enter in Closed Session pursuant to G.L. c. 112, §65C, and stated that the Open Meeting would not resume. Dr. Kelley seconded the motion. The motion passed by roll call vote: Dr. Murano – “Yes”; Dr. Kelley – “Yes”; Dr. Schneider – “Yes”.

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

- 2021-000920-IT-ENF – Referred to prosecutions
- License Number 1794 / RI consent order – Provided guidance to staff

At 10:41 am, Dr. Murano moved to adjourn the meeting. Dr. Schneider seconded. The motion passed by roll call vote: Dr. Murano – “Yes”; Dr. Kelley – “Yes”; Dr. Schneider – “Yes”.

Respectfully submitted,



Thomas F. Burke, Executive Director

List of Documents Used at the Public Meeting:

1. Agenda March 8, 2022 meeting
2. February 8, 2022 draft Public Minutes
3. 249 CMR 3.00
4. Moharan correspondence dated February 28, 2022 (protected medical data redacted)

