

Board of Registration of Podiatry
Meeting held by video conference and phone
DATE: April 11, 2023
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:

Raymond Murano, DPM Chair
LeRoy Kelley, 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:

Mark Malloy, Esq.

I. Housekeeping Matters and Evacuation Procedures

- Roll Call for attendance:
Dr. Murano, 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 10:11 AM. **Dr. Murano present by video; Dr. Schneider present by video; Dr. Kelley present by audio.**

II. Vote on Minutes:

- February 14, 2022 Public Meeting Minutes:
Dr. Kelley moved to accept the public minutes of the February 14, 2022 Board Meeting. Dr. Murano 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 report.
- **Executive Director, Thomas Burke’s report to the board:**

- i. COVID Extension bill Chapter 107 of the acts of 2022 (“An Act Relative to Extending Certain State of Emergency Accommodations”)

Mr. Burke reported that the extension of the emergency order was signed by Governor Healey. The Board may continue to meet via videoconference and conference call through early 2025.

○ **Discussion:**

- i. Malpractice insurance for non-practicing licensees

The Board reviewed a question whether retired podiatrists are required to maintain malpractice insurance if only engaged in research projects. Ms. York advised the Board that Board regulation 249 CMR 7.00 establishes insurance requirements for podiatrists practicing as limited liability corporations and limited liability partnerships. Practicing would include conducting research projects as a podiatrist. There are no specific insurance requirements for individual podiatrists who practice podiatry outside of the business structures listed in Section 7.00. The Board suggested that the Podiatrist contact the insurance carrier to inquire about different policies for liability coverage limited to research work.

- ii. Thomas Franchini, DPM – Application for relicensure after revocation:

The Board reviewed Dr. Franchini’s application for licensure in order to make an initial assessment on whether to grant him a license in Massachusetts following the revocation of his license in 2020. Ms. York advised the Board to review the claims he disclosed in his new application, his licensing history in Massachusetts, including the conduct that led to the revocation of his license, and other information relevant to his application for relicensure. The Board then discussed the applicant’s professional competency and suitability for licensure as a podiatrist in Massachusetts.

Following discussion, Dr. Murano moved to deny Dr. Franchini’s application for licensure. Dr. Kelley seconded the motion. The motion passed by roll call vote: Dr. Murano – “Yes”; Dr. Schneider – “Yes”; Dr. Kelley – “Yes”.

Board Counsel will send Dr. Franchini a letter informing him of the Board’s initial decision to deny his application for relicensure and notifying him of his right to request a hearing on that decision.

- iii. Kenneth Leavitt, DPM -Application for reinstatement of expired license

The Board reviewed Dr. Leavitt's application for reactivation of his expired Massachusetts license. The Board reviewed claims disclosed on the application and discussed the applicant's professional competency and suitability for licensure as a podiatrist in Massachusetts.

After review, Dr. Kelley moved to approve Dr. Leavitt's application for licensure reactivation. Dr. Murano seconded the motion. The motion passed by roll call vote: Dr. Murano – "Yes"; Dr. Schneider – "Yes"; Dr. Kelley – "Yes".

- iv. Executive Session if necessary, as authorized under G.L. c. 30A, s. 21(1)(a) for the purpose of discussing the reputation, character, physical condition or mental health, rather than professional competence, of applicants.

The Board did not enter into Executive Session.

- **Open session for topics not reasonably anticipated by the chair 48 hours in advance of meeting.**
 - Mr. Burke reported that he is actively looking for a medical doctor to serve on the Podiatry Board.

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

At 10:31 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".

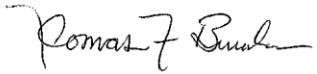
During the closed session, the Board took the following actions:

- 2018-001250-IT-ENF – Referred to Prosecutions
- INV6578 (Staff Assignment) – Closed, no action.
- 2021-001131-IT-ENF - Closed, no action.
- INV7038 – Closed, no action.

II. Adjournment

At 10:46 am, Dr. Murano moved to adjourn the public meeting. Dr. Kelley seconded. The motion passed by roll call vote: Dr. Murano – "Yes"; Dr. Schneider – "Yes"; Dr. Kelley – "Yes".

Respectfully submitted,



Thomas F. Burke, Executive Director

List of Documents Used at the Public Meeting:

1. Agenda for April 11, 2023 meeting
2. Public Session Minutes for February 14, 2023 meeting
3. Correspondence from N. Wortzman, dated 3/22/2023
4. Application for Dr. T. Franchini
5. Application for Dr. K. Leavitt