

Board of Registration of Podiatry
Meeting held by video conference and phone
DATE: April 9, 2024
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 section 40 of chapter 2 of the acts of 2023, signed into law on March 29, 2023.

Board Members Present by Phone/Video:

LeRoy Kelley, DPM Chair
Raymond Murano, DPM Secretary
Harry Schneider, DPM

Admin. Staff Present by Phone/Video:

Jaqueline Petrillo, Board Counsel
Thomas Burke, Executive Director
Lauren McShane, Chief Investigator
Margaret McKenna, Board Staff
Christian Carl, Intern

Board Members Not Present by Phone/Video

Felix Martinez, PhD Public Member

Members of the Public Present by Phone/Video:

Mark Molloy, Esq.

I. Housekeeping Matters and Evacuation Procedures

- Roll Call for attendance:
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 10:04AM. **Dr. Murano present by video; Dr. Schneider present by video; Dr. Kelley present by audio.**

Board counsel addressed the Board regarding a change to the order of public session meetings. As part of the Health Professions Licensure protocol, public comments must be submitted in writing to the executive director or board staff prior to the scheduled meeting so that they may be considered for adding to the public agenda. Public comments that are not listed on the agenda will no longer be discussed in meetings.

II. Vote on Minutes:

- February 13, 2024, Public Meeting Minutes:
Dr. Murano moved to accept the public minutes of the February 13, 2024 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 report.
- **Executive Director, Thomas Burke's report to the board:**
No report.
- **Board Counsel Report**

Ms. Petrillo addressed the inquiry from the Radiation Control Program regarding the supervision of assistants taking X-rays. She noted that 249 CMR 4.01 permits assistants to take x-rays under the supervision of the podiatrist but does not define the term supervision in the regulations. The question is whether the podiatrist must be physically present when the assistant is taking X-rays. She requested the Board's opinion so that the Board could offer sub-regulatory guidance on this topic. Board members stated that supervision in this regard means that the podiatrist has trained the assistant and is readily available for guidance either by being physically present or accessible by electronic means. The Board noted that the supervision of assistants is not set by governing organizations and does not conflict with national standards. Board counsel recommended that the Board consider whether specific restrictions should be in place to protect the public health, welfare, and safety regardless of practice setting. The Board agreed that the practice of supervision should ensure that the assistant receives appropriate radiation safety training in an office setting properly certified by the DPH Radiation Control Program, and that the podiatrist must be on the premises or available by electronic means. The Board instructed counsel to present a draft of a best practice on supervision at a subsequent meeting.

IV. Board Discussion:

- **Podiatry Limited License**

Mr. Burke provided an update on the licensing process for incoming podiatric residents. Board vendor staff will be responsible for entering application data into the new electronic licensing system and board staff will monitor. The vendor and staff will conduct a test of licensing procedures prior to going live. He noted that upon completion of the application, a certificate will be issued to the licensed resident with the start date of the residency and the name of healthcare facility or hospital. Residents should share the certificate with the residency program director. License cards will include only the residency expiration date. He reported that the Part III examination is now being offered by a new vendor. He will monitor to assist podiatric residents with exam registration. Board members noted that not all residencies begin on July 1st. Some residents will begin treating patients prior to that date. Part III examination is not required for limited license in Massachusetts but is required for full licensure. Incoming residents should list their start date on the residency affidavit in the application.

At 10:45 a.m., Dr. Kelley made a motion, seconded by Dr. Schneider, to adjourn the public meeting and to enter into closed session to conduct investigatory conference, pursuant to M.G.L. c. 112, §65C, and at the conclusion of the closed session, not return to the public meeting.

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

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

- CASE-2022-0516 – Dismissed.
- CASE-2023-0002 – Dismissed.

VI. Adjournment

At 11:07 am, Dr. Kelley 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”.

Respectfully submitted,



Thomas F. Burke, Executive Director

List of Documents Used at the Public Meeting:

1. Agenda for the April 9, 2024 meeting
2. Public session minutes for February 13, 2024 meeting
3. Correspondence from the DPH Radiation Control Program on supervision of assistants taking X-rays.