

**Board of Registration of Podiatry
Minutes of the April 14, 2020 Public Meeting
Held by Conference Call**

Board Members Present by Phone:

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

Admin. Staff Present by Phone:

Michael Hawley, Executive Director
Sheila York, Board Counsel

Board Members Absent

Bruce Bonnell, MD Member

Members of the Public Present by Phone:

Mark Molloy
Hau Trung Pham, DPM

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.

Evacuation procedures not required since meeting was held by phone.

II. Vote on Minutes:

- March 10, 2020 Meeting Minutes:
Dr. Leavitt moved to accept the minutes of the March 10, 2020 Board Meeting. Dr. Murano seconded the motion. The motion passed by roll call vote: Dr. Leavitt – “Yes”; Dr. Murano – “Yes”; Dr. Martinez – “Yes”; Dr. Kelley – “Yes”

III. New Items:

- a. **Board Chair**
Nothing to report.
- b. **Executive director, Michael Hawley’s report to the board:**
 - i. Mr. Hawley informed the board that board staff has been working remotely, with staff members visiting the office only once or twice a week. The Division of Professional Licensure office is open by appointment only.

- c. **Board counsel, Sheila York's report to the board:**
 - i. Report of licensee discipline to National Practitioner Database: Attorney York reported that Dr. Moharan has disputed the manner in which his discipline was reported to the National Practitioner Database. Ms. York indicated that the reporting was consistent with the division's normal procedures. The matter is ongoing.
 - ii. Update on legal matters: Nothing to report.

- d. **Renewals:** Mr. Hawley indicated that the review of all of this year's applications in order to check the answers to the attestation questions has been delayed due to matters arising out of the state of emergency. Review will continue as time permits.

- e. **Impacts of COVID-19:**
 - i. Limited Licensees concluding internships in 2020: Mr. Hawley indicated that, since the jurisprudence exam is unavailable during the state of emergency. The board discussed options for getting individuals licensed and practicing while the exam is unavailable.
Dr. Kelley moved to grant conditional licenses to applicants who are third year Massachusetts residents who meet all the qualifications for full licensure but cannot take the Massachusetts jurisprudence exam due to the COVID-19 state of emergency. Limited licensees must sign a conditional licensure agreement that requires them to pass the jurisprudence exam within six months of the lifting of the state of emergency. Dr. Leavitt seconded. The motion passed by roll call vote: Dr. Leavitt – "Yes"; Dr. Murano – "Yes"; Dr. Martinez – "Yes"; Dr. Kelley – "Yes"

 - ii. Jurisprudence Exam Availability: The Board discussed the fact that there are applicants other than the limited licensees who are similarly impacted by the unavailability of the jurisprudence examination.
Dr. Kelley moved to grant conditional licenses to any applicants who meet all the qualifications for full licensure but cannot take the Massachusetts jurisprudence exam due to the COVID-19 state of emergency. Applicants must sign a conditional licensure agreement that requires them to pass the jurisprudence exam within six months of the lifting of the state of emergency. Dr. Leavitt seconded. The motion passed by roll call vote: Dr. Leavitt – "Yes"; Dr. Murano – "Yes"; Dr. Martinez – "Yes"; Dr. Kelley – "Yes"

- iii. National Exam availability: The Board discussed expected delays and postponements of the national exams due to the COVID-19 state of emergency. The Board agreed that no action was required at this time.
- iv. Signatures and other documentation requirements: The Board discussed the difficulty applicants are having with obtaining paper documents due to school closures and other restrictions attendant upon the COVID-19 pandemic. The Board expressed support for the use of electronic signatures and document transmission where it is possible and consistent with proper verification and security. Board staff was directed to direct PCS to accept transcripts, verifications and residency program affidavits electronically from original sources.
- v. CME availability: The board discussed briefly the cancellation of live programs and whether there would be an impact on availability of sufficient CME for licensees to meet their CME obligations. The Board agreed that no Board action is needed at this time.
- vi. Provision of services: The Board reviewed guidance regarding protection of patients and staff in medical office settings. The guidance is provided to medical offices by the Betsy Lehman Center for Patient Safety (a Commonwealth of Massachusetts Agency). Mr. Hawley asked whether the Board staff wanted to provide additional guidance specific to the practice of Podiatry. The Board agreed that such input was not needed.
- vii. Other impacts: No further discussion.

f. Compliance Monitoring:

- i. M. Moharan: The Board reviewed the first monitor report pursuant to Dr. Moharan’s consent agreement (in the matter of 2019-000643-it-enf). The report was accompanied by an inquiry regarding whether the Board wished to alter the portion of the agreement regarding testing frequency, in light of the COVID-19 state of emergency. The Board agreed that it would make no changes to the agreement at this time.

Dr. Kelley moved to approve the first report. Dr. Leavitt seconded. The motion passed by roll call vote: Dr. Leavitt – “Yes”; Dr. Murano – “Yes”; Dr. Martinez – “Yes”; Dr. Kelley – “Yes

- g. **Open session for topics not reasonably anticipated by the chair 48 hours in advance of meeting.** Dr. Murano raised an issue that came to his attention regarding potential legislation to expand the scope of health care providers during the COVID-19 crisis. He also discussed specific certification requirements (APMA) that may be needed in order to obtain liability protection. .

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

At 11:00 am, Dr. Murano moved to adjourn the public meeting and enter investigative session [Closed Session pursuant M.G.L. c. 112, § 65C] to review the following new case: 2020-000072-it-enf and to discuss a settlement offer in the following case: PD 2019-000569-it-enf. Dr. Leavitt seconded. The motion passed unanimously.

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

- PD 2019-000072-it-enf Dismissed.
- PD 2019-000569-it-enf Dismissed.

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 bottom.

Michael Hawley, Executive Director

List of Documents Used at the Public Meeting:

1. Agenda dated April 14, 2020
2. Draft of minutes from March 10, 2019 Podiatry Board meeting.
3. Compliance monitoring report for Dr. M. Moharan, dated April 7, 2020.
4. Email inquiry regarding testing requirements for Dr. Moharan, dated April 9, 2020.
5. Notes from Michael Hawley regarding COVID-19 related application issues.
6. APMLE Letter and inquiry regarding testing availability, dated April 6, 2020.