

Board of Registration of Podiatry
Meeting held by video conference and phone
DATE: September 12, 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 section 40 of chapter 2 of the acts of 2023, signed into law on March 29, 2023.

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
Margaret McKenna, Board Staff

Board Members Not Present by Phone/Video

Felix Martinez, PhD Public Member

Members of the Public Present by Phone/Video:

Mark Molloy, Esq.

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

Tabled

II. Housekeeping Matters and Evacuation Procedures

- i. 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 10:07 AM. **Dr. Murano present by audio; Dr. Schneider present by video; Dr. Kelley present by audio.**

III. Vote on Minutes:

- June 13, 2023 Public Meeting Minutes:
Dr. Kelley moved to accept the public minutes of the June 13, 2023 Board Meeting. Dr. Murano seconded the motion. The motion passed by roll call vote: Dr. Murano – “Yes”; Dr. Schneider – “Yes”; Dr. Kelley – “Yes”.

IV. New Items:

- **Board Chair**
No report.

- **Executive Director, Thomas Burke’s report to the board:**

Executive Director Thomas Burke reported he is currently working with JD Software to finalize the process for limited license podiatry applicants in the new eLX licensing system. He noted that the future goal is to have incoming podiatric residents submit applications directly in the new system.

- **Board Counsel Report**

No report.

- i. **Board Business:** Prosecutorial Discretion & Alford Plea policies presentation (Jessica Uhing-Luedde)

- i. Policy re: Standard Consent Agreement Terms – VOTE

The Board reviewed a draft policy that creates standard language about violations for consent agreements.

After brief discussion, Dr. Murano moved to approve the policy. Dr. Schneider seconded. Motion passed by roll call vote: Dr. Murano – “Yes”; Dr. Schneider – “Yes”; Dr. Kelley – “Yes”.

- ii. Policy on Delegation of Authority re: Drafting Orders to Show Cause and Consent Agreements to board Counsel and the Prosecution Unit – VOTE

The Board reviewed a proposed policy that allows a prosecutor (1) to negotiate with respondents in adjudicatory matters within a range of discipline provided by the Board; and (2), in consultation with the executive director and board counsel, to add violations to orders to show cause for cases that are not included in the Board’s referral to the Office of Prosecutions.

After brief discussion, Dr. Murano moved to approve the policy. Dr. Schneider seconded. Motion passed by roll call vote: Dr. Murano – “Yes”; Dr. Schneider – “Yes”; Dr. Kelley – “Yes”.

- ii. **Discussion:**

- i. Policy on Summary Suspensions Conducted by Boards of Registration Formerly Under the Supervision of the Division of Occupational Licensure –

Ms. York presented a proposed policy for implementing and executing summary suspensions with the goal of protecting public health and safety. In the case of documented evidence that a licensee’s practice poses an immediate risk to public health, safety and

welfare, the policy grants the Executive Director authority to contact the Board chair who may approve the issuance of an immediate suspension of a licensee's practice when there is not a board meeting scheduled within forty-eight hours. The policy also provides the licensee with a right to a hearing within seven days, or soon thereafter, of the issuance of the summary suspension and sets forth the procedures to be followed after the hearing. **After discussion, Dr. Kelley moved to adopt the Policy on Summary Suspensions Conducted by Boards of Registration Formerly Under the Supervision of the Division of Occupational Licensure as presented, seconded by Dr. Murano. Motion passed by roll call vote: Dr. Murano – "Yes"; Dr. Schneider – "Yes"; Dr. Kelley – "Yes".**

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

Attorney Mark Molloy reported that he expects the Massachusetts legislature to discuss the podiatric practice act on September 21, 2023. He will update the board regularly on this topic.

- V. At 10:37 a.m., Dr. Murano made a motion, seconded by Dr. Kelley to adjourn the public meeting and to enter into closed session to conduct investigatory conferences, pursuant to M.G.L. c. 112, §65C, and at the conclusion of the closed session, not return to the public meeting.**

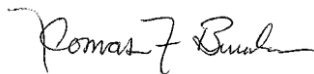
- I. Investigative Matters and Settlement Offers - [Closed Session Pursuant to M.G.L. c. 112, § 65C]:**

- i. 2022-000025-IT-ENF (memo and consent) – Provided guidance to the prosecutor.
- ii. 2021-000920-IT-ENF – Dismissed.
- iii. INV6902 – Dismissed with advisory letter.

- II. Adjournment**

At 11:13 am, Dr. Kelley moved to adjourn the public meeting. Dr. Schneider 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 September 12, 2023 meeting
- 2. Public Session Minutes for June 13, 2023 meeting

3. Policy on Summary Suspensions Conducted by Boards of Registration Formerly Under the Supervision of the Division of Occupational Licensure