

**Board of Registration of Podiatry
Minutes of the October 9, 2018 Public Meeting
1000 Washington Street, Boston, MA 02118
Room 1C**

Board Members Present:

Raymond Murano, DPM Chair
LeRoy Kelley, DPM Secretary
Bruce Bonnell, MD Member
Kenneth Leavitt, DPM Member

Administrative Staff Present at Various Times:

Michael Hawley, Executive Director
Thomas F. Burke, Assoc. Exec. Director
Anne Driscoll, Investigator Supervisor

Members of the public Present:

Mark Molloy, Lynch Associates
Robert O'Leary, Massachusetts Podiatric
Medical Society

I. Housekeeping Matters and Evacuation Procedures

Dr. Murano, the Board Chair, observed a quorum of board members to be present and opened the meeting at 10:00 am.

Executive Director, Michael Hawley informed attendees of the evacuation procedures.

II. Vote on Minutes:

- September 11, 2018 Meeting Minutes:
Dr. Bonnell moved to accept the minutes of the September 11 Board Meeting. Dr. Kelley seconded the motion. The motion passed unanimously.

III. New Items:

a. **Election of Board Officers**

1. **Dr. Murano nominated Dr. Kelley for the position of board chair. Dr. Bonnell seconded the motion. Dr. Kelley was elected board chair by a unanimous vote.**
2. **Dr. Kelly nominated Dr. Murano for the position of board secretary. Dr. Leavitt seconded the motion. Dr. Murano was elected board secretary by a unanimous vote.**

b. **Board Chair**

Nothing to report.

c. **Executive Director Report:**

- 1) Mr. Hawley reported an applicant who received a failing score on the Board's jurisprudence examination received a review of the score report and was determined to have passed the exam. During the course of communication with PCS about the exam, staff was informed that PCS is awaiting three additional questions to be added to the exam as replacements for questions removed after the recent regulatory changes rendered them irrelevant. The Board directed Mr. Hawley to work with Attorney York to devise new questions for approval by Dr. Kelley.

c. **Board counsel, Sheila York's report to the board:**

- 1) Reciprocity Evaluation – Vicki Stone:

Mr. Hawley reported that Ms. York and he had reviewed one application for licensure by reciprocity, submitted by Dr. Vicki Stone. Dr. Stone has met the requirements for continuous licensure for over five years. She has held licenses in California, Oregon, Maryland and Pennsylvania. However, Ms. Stone was not able to get a residency affidavit from the director of her residency program at the Los Angeles County and University of Southern California Medical Center because the residency program was discontinued and no residency supervisor is available to sign the affidavit. However the Associate Medical Coordinator of the medical center forwarded a letter on her behalf. The Board Members agreed that this letter, along with Dr. Stone's licensure history was sufficient to meet this requirement. Dr. Stone also had not taken the Part III exam but produced a confirmation that she had passed a state exam in California which was accepted for her initial licensure in that state and which was subsequently accepted in lieu of Part III in Oregon, Maryland and Pennsylvania. The Board agreed that this exam, combined with her licensure in the other states, was sufficient for her to continue with the licensure process via reciprocity. One other matter that Mr. Hawley brought up with regard to Dr. Stone's application was her answer yes to the question indicating whether she had been a defendant in a civil proceeding which resulted in a settlement or a judgement against her. Dr. Stone indicated that the case was a civil proceeding involving a property foreclosure. The Board directed staff to allow Dr. Stone to continue in the licensing process.

d. **Discussion:**

- 1) CME Waiver request from Arthur Lynch, DPM – The Board reviewed a letter for Dr. Lynch asking that the board waive the annual CME requirement for

2018 for reasons related to Dr. Lynch's age and mobility. However the board declined to waive the requirement, citing the availability of on-line CME courses that may be used to fulfill the CME requirement. **Dr. Kelley moved to deny the request. Dr. Bonnell seconded. The motion passed unanimously.**

- 2) Blue Cross/Blue Shield dual certification requirement – Mr. Hawley informed the Board that Ms. York had apprised executive staff of the issue and that they were considering responses. Board members stressed the importance and immediacy of the issue. Members indicated that it takes three to five years for a podiatrist to acquire the needed certifications and that, in the meantime, the inability to obtain reimbursement from Blue Cross for services rendered by podiatrists who are not so certified renders new licensees virtually unemployable due to the large number of patients who are covered by Blue Cross insurance.

The Board members indicated that they are primarily concerned that the requirement represents a barrier to patient access to care because many services routinely provided by podiatrists, are not available from MDs or other healthcare professionals. Dr. O'Leary from the Massachusetts Podiatric Medical Society and attorney Mark Malloy from Lynch Associates indicated that the Society was planning an appropriate response. They hoped to work with the Attorney General's office with regard to this issue. Mr. Malloy and Dr. O'Leary indicated that they would update the board, through Mr. Hawley and Ms. York, as plans were formalized over the next couple of weeks.

The Board stressed the urgency of the issue and indicated that the DPL should respond expeditiously and not wait months to develop a response. The Board directed Mr. Hawley and Ms. York to pursue the matter and work with Executive staff to put together a plan for board review.

- e. **Open session for topics not reasonably anticipated by the chair 48 hours in advance of meeting.** – None.

Dr. Murano moved to adjourn the meeting at 10:19 am. Dr. Bonnell seconded. The motion passed unanimously.

Respectfully submitted,



Michael Hawley, Executive Director

List of Documents Used at the Public Meeting:

1. Agenda dated October 9, 2018
2. Draft of minutes from September 11, 2018 Podiatry Board meeting.
3. Request for approval waiver 2018 CME course requirement from Arthur Lynch, DPM, dated September 12, 2018
4. Vicki Stone's Application for reciprocal licensure received from PCS on October 5, 2018