

**Board of Registration of Podiatry
Minutes of the November 13, 2018 Public Meeting
1000 Washington Street, Boston, MA 02118
Room 1C**

Board Members Present:

LeRoy Kelley, DPM Chair
Bruce Bonnell, MD Member
Kenneth Leavitt, DPM Member

Admin. Staff Present at Various Times:

Michael Hawley, Executive Director
Sheila York, Board Counsel
Anne Driscoll, Investigator Supervisor

Board Members Absent:

Raymond Murano, DPM Secretary

Members of the public Present:

Mark Molloy, Lynch Associates
Philip Basile, DPM

I. Housekeeping Matters and Evacuation Procedures

Dr. Kelley, 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:

- October 9, 2018 Meeting Minutes:
Dr. Leavitt moved to accept the minutes of the October 9 Board Meeting. Dr. Bonnell seconded the motion. The motion passed unanimously.

III. New Items:

a. **Board Chair**

Dr. Kelley reported receipt of a request for approval of “South Shore Hospital Lectures for Podiatry Section 2018” for CME credit. He recommended approval and that the approval last for two years.

Dr. Leavitt moved to approve the request. Dr. Bonnell seconded. The motion passed unanimously.

b. **Executive Director Report:**

- 1) Mr. Hawley reported he and Attorney York worked to devise three new questions for the Board’s Jurisprudence exam. The new questions were approved by Dr. Kelley. The questions have been forwarded to PCS for

adoption in the exam to replace questions that were rendered obsolete by the changes to the Board's regulations.

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

Nothing to report.

d. **Discussion:**

- 1) Blue Cross/Blue Shield dual certification requirement – Attorney, Mark Malloy of Lynch Associates reported that in other states and for other professions Blue Cross/Blue Shield requires that individuals be “Board Eligible” rather than “Board Certified.” If this change were to be enacted for podiatrists in Massachusetts, new podiatrists would be able to bill to Blue Cross patients and this would allow for a wider availability of services to the public. Mr. Malloy reported that the Mass. Podiatric Medical Society was working to get the change effected in Massachusetts. He indicated that there was a possibility that the language was inadvertently placed in the requirements and that he would contact Attorney York shortly with an update.

Attorney York indicated that she had stressed the urgency of the situation when she brought the matter to the attention of senior management at the division of professional licensure and indicated that, should Blue Cross fail to make the hoped for changes in short order, she would encourage the senior staff to contact the Division of Insurance to determine whether there is action that can be taken. Attorney York asked the board chairman to be in touch in one week so that she could provide him with an update.

- 2) Application of wet bandages by medical assistants – The Board received a question regarding the permissibility of medical assistants applying wet bandages. The Board discussed the situation and agreed that the issue did fall under the delegation rights of podiatrists indicated in the Board's regulations. There was a brief discussion of certain procedures that may not be delegated and further discussion of whether it was advisable to create a policy statement on the topic. The consensus was that a policy is not needed at this time

e. **Correspondence:**

- 1) American Podiatric Medical Association – call for comment on proposed revisions to CPME publications 120 and 130 – Received, no comment.

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

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

At 10:45 am, Dr. Kelley moved to enter investigative session [Closed Session pursuant M.G.L. c. 112, § 65C] to discuss open investigative matters: 2018-000976-it-enf and a NPDB report. Dr. Leavitt seconded the motion. The motion passed unanimously.

At the end of the closed session, the open meeting resumed. Report of action taken during investigative session:

- 2018-000976-IT-ENF: Tabled.
- NPDB Report: Return to office of investigations for further investigations.

Dr. Leavitt moved to adjourn the meeting at 10:53 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 November 13, 2018
2. Draft of minutes from October 9, 2018 Podiatry Board meeting.
3. Request for approval of 2018 South Shore Hospital Lectures for CME credit