



Washington State
Department of Health
Podiatric Medical Board
Meeting Minutes
October 27, 2011

The meeting of the Washington State Podiatric Medical Board was called to order by Stewart Brim, DPM, Chair, at 9:09 a.m. via conference call.

Board Members

Participating:

Stewart Brim, DPM, Chair
Suzanne Wilson, DPM, Vice Chair
Bert Swift, Public Member
Donald Orminski, DPM
Stacey Perry, DPM

Staff Participating:

Blake Maresh, Executive Director
Erin Obenland, Program Manager
Janelle Cognasso, Disciplinary Manager
Mike Weisman, Staff Attorney
Heather Carter, AAG Advisor
Jason Howell, AAG Advisor

Public Attendees:

Susan Scanlan, DPM, Executive Director,
Washington State Podiatric Medical
Association

OPEN SESSION

1. Call to Order

1.1 Approval of Agenda

The agenda was approved as presented.

1.2 Approval of Minutes - July 14, 2011

The minutes of July 14, 2011 business meeting were approved as submitted.

- 1.3 Approval of Conference Call Minutes - August 4, 2011
The minutes of the August 4, 2011 conference call were approved as submitted.
 - 1.4 Approval of Conference Call Minutes - August 25, 2011
The minutes of the August 25, 2011 conference call were approved as submitted.
 - 1.5 Approval of Conference Call Minutes - October 10, 2011
The minutes of the October 10, 2011 conference call were approved as submitted.
2. State Medical Boards that regulate podiatrists - Board members reported on the research each had completed regarding the personnel make-up of other state boards (some state boards are combined with the Medical board and some are individual podiatric boards). Susan Scanlan, DPM also reported on her research regarding the pros/cons of some other states that have combined boards. The board members determined that more exploration will need to be completed before any action is made.

ACTION:

- Currently, the WA State Medical Quality Assurance Commission (MQAC) is in the middle of a pilot project. A combination of the Podiatric Board with the Commission would require further research and a Legislative proposal. Due to those issues, the board determined to defer this issue until 2013 when MQAC's pilot project has been completed. The board will review the situation at that time to determine if they want to research this issue further.
3. Medical Quality Assurance Commission Interpretive Statement
Mr. Maresh explained MQAC had adopted an interpretive statement regarding the Management of Chronic Noncancer Pain Management rules that were adopted. The interpretive statement is not binding and it does not affect the pain management rules adopted by the Podiatric Medical Board.
 4. Update of Prescription Monitoring Program (PMP) - Chris Baumgartner gave an overview and explained the history of the PMP. He also reported about who has access to the PMP, reports and future enhancements of the program.

The board thanked Mr. Baumgartner for his presentation and information.

5. Update from AAG Advisor - Ms. Carter reported that this will be her last meeting as the AAG advisor and she introduced Mr. Howell as the new advisor.

- 5.1 Federal Trade Commission and North Carolina Dental Board - Ms. Carter explained that the North Carolina Dental Board had concerns with teeth whitening spas in malls and issued letters to stop that practice. The Federal Trade Commission became involved due to concerns the NC board was unlawfully restraining competition. This situation is currently under appeal. Ms. Carter brought this issue to the attention of the board due to the proposed orthotic rules the board worked on prior to the rule moratorium.

ACTION:

The board requested an update from Mr. Howell at their next meeting in January, 2012.

- 5.2 Clear and Convincing Evidence - Ms. Carter explained that due to recent Supreme Court rulings the current method of determining cases by clear and convincing evidence in some professions shifts back to preponderance of evidence. Due to different rulings by the Supreme Court related to different professions, if this board has a case to decide, they may be asked to rule using both standards.
6. Policy/Information - Review/delete/update current board policies - the board reviewed and/or discussed all of the following policies:

P095-02	Aids Education Alternative
P095-04	Review of Podiatry Applications
P003-47	Review of Applicants with Felony or Gross Misdemeanor Convictions
P097-41	Case Disposition Guidelines
P095-08	Reviewing Board Member Role/Complaints
P096-35	Use of Multiple Board Members/Pro Tem Members
P095-31	Closure of Disciplinary Cases
P097-43	Closure of Below Threshold Reports
P095-17	Letter of Concern Closure Letter
P095-32	TriPLICATE Prescriptive Form
P096-39	Delegation of Final Decision Making to the Presiding Officer
P007-48	Reinstatement from Orders/Releases from STIDs upon completion
P007-49	Disciplinary Sanction Guidelines

P095-24 Sexual Misconduct
P096-37 Guidelines for Management of Pain

ACTION:

The board voted and approved to rescind all of the policies reviewed and discussed (see policy numbers above) because the policies are either no longer relevant, are outdated, redundant with DOH policies, or WACs (rules) have been put in place

7. Legislative Topics/Issues

7.1 Early Session - Mr. Maresh explained that the Governor has called for an early Legislative session that will begin on November 28, 2011 due to a 1.4 billion dollar revenue deficit. The Governor is seeking a 5% - 10% reduction.

7.2 Meet me call volunteer - Ms. Obenland explained that during every Legislative session the department of health has a teleconference to discuss bills that may impact, or be of interest to, multiple professions. These calls provide the Department with an opportunity to hear the board's opinions about a bill. Ms. Obenland requested a board member to volunteer for the conference calls that occur Tuesday mornings at 8:30 a.m.

ACTION:

Mr. Swift volunteered to participate in the meet me calls.

8. Program Manger Report

8.1 2012 board meeting location - Ms. Obenland explained she was researching meeting locations for the 2012 board business meetings.

ACTION:

Dr. Perry volunteered to follow-up with St. Francis Hospital in Federal Way. If that location is not available, Ms. Obenland will check with the Radisson Hotel in SeaTac and the Blackriver Training and Conference center in Renton regarding their availability.

The board approved to meet at whatever location (above) is available. Ms. Obenland will e-mail the board with the finalized location of the 2012 meeting locations.

8.2 Budget report - the board reviewed the current budget report. There was no discussion.

9. Executive Director Reports - Mr. Maresh reported on proposed rulemaking by the Department of Labor and Industries regarding Chapter 296-62 WAC, General Occupational Health Standards (Hazardous Drugs). The board expressed their concerns about the proposed rule due to the broadness of its language and especially about the definition of hazardous drugs. Clarification of the proposed rule is needed. Mr. Maresh informed the board he would share their concerns with department staff.

Mr. Maresh also reported that the rule moratorium has been extended through December 31, 2012.

Mr. Maresh updated the board regarding his activities with the Administrators in Medicine/FSMB.

8. (*Open Session*) Settlement Presentations
(Presentations are contingent upon agreements being reached between the parties prior to a board meeting.)
Decisions are made in Executive Session.

There was no Stipulated Findings of Fact, Conclusion of Law and Agreed Orders presented.

CLOSED SESSION

9. Stipulation to Informal Disposition Presentations

There was no Stipulation to Informal Disposition presented.

10. New Reports for Authorization or Closure

Board members met to determine whether the new reports should be authorized for investigation or closed prior to investigation.

11. Panel Member Case Reviews & Compliance Presentations

Board members met to determine whether the cases presented should be further investigated, closed, or moved on to the informal or formal resolution process.

12. Case Tracking Table

The Board received the case tracking table to review.

Respectfully Submitted,

Erin Obenland, Program Manager

NOTE: PLEASE VISIT THE PODIATRIC MEDICAL BOARD'S WEB SITE FOR FUTURE AGENDAS AND MINUTES. WWW.DOH.WA.GOV, GO TO LICENSING AND CERTIFICATION AND YOU WILL FIND A LIST OF THE HEALTH PROFESSIONS, GO TO PODIATRIC PHYSICIANS FOR AGENDAS AND MINUTES.