Board Members Present: Randy Anderson, DPM, Chair  
Suzanne Wilson, DPM, Vice-Chair (via phone for case work)  
DJ Wardle, DPM  
Lotchie Kerch, DPM

Staff Present: Susan Gragg, Program Manager  
Blake Maresh, Executive Director  
Davis Hylkema, Program Support  
Gail Yu, Assistant Attorney General  
Mike Weisman, Staff Attorney (via phone for case work)  
Kitty Slater, Disciplinary Manager (via phone for case work)

Guests Present: Chris Bundy, MD, MPH, WPHP

OPEN SESSION:

1. CALL TO ORDER  
The business meeting of the Washington State Podiatric Medical Board (board) was called to order by Dr. Anderson, DPM, Chair, at 10:38 a.m. on January 11, 2018.

1.1. Introduction of board, staff, guests, and audience.  
The board, staff, and guests in attendance each gave a brief introduction.

1.2. Approval of agenda  
**MOTION:** The Chair entertained a motion to approve the January 11, 2018 agenda with the amendment to add an inquiry about active license under agenda item 3.6. The motion was made, seconded and approved as amended.

1.3. Approval of business meeting minutes – October 12, 2017  
**MOTION:** The Chair entertained a motion to approve the October 12, 2017 minutes as presented. The motion was seconded and passed.
1.4. Approval of special meeting minutes – December 7, 2017
   
   **MOTION:** The Chair entertained a motion to approve the December 7, 2017 special meeting minutes as presented. The motion was seconded and passed.

2. **Old Business—DISCUSSION/ACTION—Randy Anderson, DPM, Chair:**

   2.1. Rules Project Updates
      
      Ms. Gragg informed the board that because of the timing with the Code Reviser, the rules will be ready for a hearing in April.
      
      2.1.1. Temporary practice permits for military spouses and domestic partners
      
      2.1.2. Rules Review – Repeals
      
      2.1.3. Rules Review – Amendments
      
      2.1.4. Expedited rule – Technical corrections (CR105)

3. **New Business**

   3.1. Washington Physicians Health Program (WPHP) Annual Report
      
      Chris Bundy, MD, MPH, Medical Director for WPHP, provided the board with the annual report covering its mission, history, position on confidentiality, and details of its wellness program. He also presented WPHP’s statistics and accomplishments over 2017 and its education and outreach programs.

   3.2. 2018 Legislative Review
      
      The board discussed the bills that may impact the profession under consideration for the 2018 legislative session. Bills not included below may also be discussed:
      
      3.2.1. House Bill 2257 – Prohibiting Maintenance of Certification from Being Required for Certain Health Professions
      
      Ms. Gragg explained that this bill has more impact on allopathic and osteopathic physicians. This bill would prohibit the maintenance of certification for board specialty certification. It is not an issue of recent concern and is an effort to clean up the legislation.

      3.2.2. House Bill 2258 – Health Care Provider and Health Care Facility Whistleblower Protections
      
      Ms. Gragg explained the nuances of the bill. Ms. Yu, AAG, highlighted the point of this bill extending confidentiality rights to anyone who participates or cooperates in a whistleblower investigation and the potential problems of that.

      3.2.3. House Bill 2264 – Hospital Privileges for ARNPs and PAS
      
      Ms. Gragg explained how the original bill would have RCW sites placed next to the term “physician” that would identify a physician as those who are licensed in included RCWs. Podiatric physicians are not included. The understanding is that this bill is going to be corrected and the RCWs will be removed from the bill before it goes forward. The Washington State Association is on top of this.
3.2.4. **House Bill 2272/Senate Bill 6050 – Restrictions on Prescriptions for Opiates**

Mr. Maresh explained these bills present three day prescription limitations for anyone under the age of 21 and seven days for persons over the age of 21, with exceptions built in for clinical judgment. A report has been generated on the work and progress of the ESHB 1427 Taskforce and given to the Governor’s office who is expected to advocate for allowing the Taskforce boards and commissions to continue to do their work.

3.2.5. **Senate Bill 6028/House Bill 2325 – Prescription Drug Monitoring Program**

The board identified that this bill would require that the PMP be checked for every prescription of opioids and benzodiazepines and every time.

3.3 **ESHB 1427 Rule Project Update**

Dr. Wardle and Dr. Andersen updated the board on the taskforce’s work in the implementation of Engrossed Substitute House Bill 1427. This Bill requires the board and four other boards and commissions to adopt rules establishing requirements for prescribing opioid drugs, as well as expanding access to the Prescription Monitoring Program. Over the five meetings so far, a tremendous amount of issues have been covered with the most recent having to do with thorough considerations of prescription limitations and PMP requirements.

3.4 **Healthcare Enforcement and Licensing Modernization Solution (HELMS)**

Ms. Gragg updated the board on the status of the HELMS project. She noted that the decision package that went forward to begin this work was not included in the Governor’s budget. The Department of Health will continue to build support with stakeholders and prepare a decision packet for 2019 legislation. Until then it is on hold.

3.5 **Updates to Newsletter Article**

The board reviewed the updates to its first proposed newsletter. The newsletter will be published through email notification.

**MOTION:** The motion was made to accept the newsletter as presented. The motion was seconded and approved.

3.6 **Correspondence/Inquiries**

3.6.1 The board discussed an inquiry related to the Americans with Disabilities Act regarding interpreter services. Dr. Anderson explained that the inquiring party wanted to know where the rules are that govern when a practitioner (podiatrist) must provide an interpreter, and in this case, for American Sign Language. It was identified that under the ADA, unless it causes an undue burden for the practitioner, an in-person interpreter must be provided if requested. Ms. Yu, AGA, clarified that this is a federal law and such a case would likely not come to the State board as it is a risk management issue, and that the issue of undue burden is not interpreted as an excuse. An article on this might be considered for a newsletter.
3.6.2 Correspondence was received from a podiatrist who holds a retired active DTM license who currently does volunteer non-surgical palliative care work once a month. The correspondent is requesting a waiver to the requirement of completing the required continuing education in order to renew their license. Ms. Gragg had prepared a draft response to the licensee citing the RCW statutory requirement that essentially prevents the board from being able to provide a waiver. The board reviewed the response.

**MOTION:** The motion was made to approve the letter of response. The motion was seconded and passed.

4. **Program Reports**
   4.1. Budget and fee update
       Ms. Gragg reported that the report is complete and up to date, and that figures are on track. There were no questions.

   4.2. Statistics reports
       Ms. Gragg reported that there are currently 352 active licensees and four retired active. And, there are currently 19 cases in process.

   4.3. Continuing Education audit report
       Ms. Gragg explained that CE audits continue to be backed up and no report is available.

   4.4. Recruitment update
       Ms. Graff reported that the Governor’s office wants a minimum of three names. At this time there in one applicant. The board determined to include an announcement in the newsletter.

       Dr. Anderson, Chair, reminded the board of its previous discussion about requesting an additional member be appointed to the board and if that would be a physician or a public member. It was determined that the board, with its current and expected workload, could better serve the public with additional members. It was also determined that an odd number of members for voting purposes.

       **MOTION:** The motion was made to pursue requesting the addition of one professional member and one public member. The motion was seconded and approved.

5. **Open Forum**
   There were no public attendees present.

6. **Future Business**
   As Gail Yu, AAG, will not be able to attend the board meeting in October, it will be determined at the next meeting whether or not to change the date.

7. **Settlement Presentations**
   There were no settlement presentations.
8. Adjournment of public meeting
   The public portion of the board meeting was adjourned at 11:45 a.m.

Closed Session

9. Discipline and Licensing

   Adjournment – the board meeting was adjourned at 12:37 p.m. by Dr. Anderson, Chair.

Next Meeting:
   Date: April 12, 2018
   Time: 9:00 a.m.
   Location: Department of Health
            Creekside Two at Center Point
            Suite 310, Room 307
            20425 72 Ave. S.
            Kent WA 98052

Respectfully Submitted by

Susan Gragg, Program Manager

NOTE: PLEASE VISIT THE PODIATRIC MEDICAL BOARD’S WEB SITE FOR FUTURE AGENDAS AND MINUTES AT: WWW.DOH.WA.GOV. GO TO “LICENSES, PERMITS AND CERTIFICATES”; CLICK ON “PROFESSIONS – NEW, RENEW OR UPDATE” AND YOU WILL FIND A LIST OF THE HEALTH PROFESSIONS. GO TO “PODIATRIC PHYSICIANS”, THEN TO “BOARD MEETINGS” FOR AGENDAS AND MINUTES.