WASHINGTON STATE DEPARTMENT OF HEALTH
Podiatric Medical Board
Meeting Minutes
August 1, 2019

Department of Health
Creekside 2 at Center Point
Suite 310, Room 307
20425 72nd Ave South
Kent, WA 98032

BOARD MEMBERS
Randy Anderson, DPM, Chair
Lotchie Kerch, DPM
DJ Wardle, DPM, Secretary
Civillia Winslow Hill, Public Member
Zarko Kajgana, DPM

STAFF PRESENT:
Renee Fullerton, Executive Director
Susan Gragg, Program Manager
Davis Hylkema, Program Support
Gail Yu, Assistant Attorney General
Michael Weisman, Staff Attorney

OTHERS PRESENT:
Lynn Kovacevich Renne, DPM – WSPMA board member

OPEN SESSION

1. Call to Order/Introductions
Chair Randy Anderson, DPM, called the meeting of the Washington State Podiatric Medical Board (board) to order at 9:00 a.m. on August 1, 2019. The board made the following actions for these agenda items:

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 the August 1, 2019, meeting agenda

MOTION: The Chair entertained a motion to approve the August 1, 2019 meeting agenda. The motion was seconded and unanimously approved.

1.3. Approval of the April 25, 2019, business meeting minutes
1.4. Approval of the June 13, 2019, special business meeting minutes

MOTION: The Chair entertained a motion to approve the minutes noted in agenda items 1.3., 1.4. as written. The motion was seconded and unanimously approved.
2. Rule Workshop—DISCUSSION/ACTION—Randy Anderson, DPM, Chair

The board solicited and discussed public comment regarding potential rule amendments to WAC 246-922-675 Patient notification, secure storage, and disposal as required by Substitute Senate Bill 5380.

Dr. Kovacevich Renne noted that the WSPMA has submitted a written comment. The board acknowledged receipt of the written comment.

After addressing the matters of agenda item 3.1.3., the Rules Workshop closed at 9:30 a.m.

3. Old Business—DISCUSSION/ACTION—Randy Anderson, DPM, Chair

3.1. Rules Project Updates

Ms. Gragg presented a report on the status of the following rules:

3.1.1. WAC 246-922-230 – Prohibited transactions.
The documents to hold a rule adoption hearing have been submitted to the DOH. A hearing date of October 10, 2019 at the board’s regular meeting is anticipated.

3.1.2. 1427 Opioid prescribing and monitoring Clean-up
The proposed rules language is being reviewed for approval of the Office of Health Professions Director, Martin Pittioni, and will then move on for approval by the department. The rule adoption hearing should be held at the October 10, 2019 board meeting.

3.1.3. Substitute Senate Bill 5380 implementation (opioid prescribing).
The board reviewed Substitute Senate Bill 5380 (SSB 5380) and discussed suggested changes for WAC 246-922-675. Draft language by the Medical Commission and the Nursing Care Quality Assurance Commission was also reviewed.

The board determined the following changes:
- Add language on the patient’s right to refuse (from SSB 5380 Section 3);
- Add language that when a patient is under the age of eighteen years old or is not competent, the notification requirements apply to the patient’s parent(s), guardian, or person identified in RCW 7.70.065 (from SSB 5380 Section 17);
- Add language about pain management alternatives (from SSB 5380 Section 17);
- Add a subsection about when the provisions of WAC 246-922-675 do not apply (from SSB 5380 Section 17); and
- Add a subsection regarding the ability to designate a credentialed individual to provide the required notification.

MOTION: The motion was made to move forward with the identified rule language changes. The motion was seconded and passed.
Kathy Lofy has asked the board to review and endorse a letter to providers clarifying the opioid prescribing rules.

**MOTION:** The motion was made to approve the letter as written.

4. **New Business—DISCUSSION/ACTION—Randy Anderson, DPM, Chair**

4.1. 2020 Meeting Dates

The board set January 16th, April 16th, July 16th, and October 15th as the dates for its 2020 regular business meetings.

4.2. Update to Bylaws

The following changes were proposed:

- Article III – change description of board membership composition to conform to the statutory language.
- Article III 2. Include the language of RCW 18.22.013 to the description. Specifically, “Each member shall hold office for the term of appointment and until a successor is appointed and sworn.”
- Article IV 5. B. – strike “special meeting” in second sentence, and add “, or at a special meeting called for that purpose.” to the end of the last sentence.
- Article V 3. – add statutory reference RCW 42.30.140.
- Article VI 8. – change first descriptive sentence to read, “The Board may use modified Roberts Rules of Order as the rules of proceedings at a meeting, so far as applicable…”
- Article VII 4. – Change to read, “If three members of the board attend, committee meetings must conform to the requirements of the OPMA.”

**MOTION:** The motion was made to adopt the bylaws as amended with the proposed changes. The motion was seconded and passed.

4.3. Updates to Signature Delegation

The board reviewed their Signature Delegation document for renewal.

**MOTION:** The board approved the Delegation of Signature Authority for renewal. The motion was seconded and passed.

4.4. Update to Business Plan

Ms. Gragg presented the Business Plan with clarifying modifications to the timeline column, and the addition of two new columns. One column shows when the measure was last met; the other column shows the date when the measure is next due.

Encouraging member and staff attendance at multi-profession organizations such as the Federation of State Medical Boards was added under Measurements column in Goal 3. iii. The Federation of Associations of Regulatory Boards (FARB) was also added to that field.
**MOTION**: The motion was made to adopt the Business Plan as amended. The motion was seconded and passed.

The board reviewed the draft newsletter for the Summer 2019 edition.

**MOTION**: The motion was made to approve the Summer 2019 edition of the newsletter for publication. The motion was seconded and passed.

4.6. Communication and Resolution Program (CRP)
The board discussed the possibility of partnering with the Foundation for Health Care Quality through their Communication and Resolution Program.

**MOTION**: The board authorized staff to draft a guidelines document and a procedures for processing CRP certified cases document to be reviewed and considered for approval at the board’s October meeting. The motion was seconded and passed.

4.7. Open Public Meetings Act and Public Records Act training
Gail Yu, AAG Adviser, provided training to the board on the Open Public Meetings Act and Public Records Act.

Michael Weisman encouraged board members to fill out the case review memos to explain their findings in the review of each case. Expert explanations are very informative and helpful to the legal staff and can expedite processing.

4.8. Correspondence/Inquiries
4.8.1. Washington State Podiatric Medical Association (WSPMA) shared their legislation proposal for 2020. The proposal is to increase the number of board members from five to seven through the addition of one podiatric physician and one public member. The proposal also includes a change from a class 3 group under RCW 43.03.230 for board member compensation to a class 5 group under RCW 43.03.265.

The board is in support of the WSPMA’s proposal.

4.8.2. WSPMA request for board clarification that PMPi multi-state checks meeting the rule requirement for Prescription Monitoring Program queries.

The board determined that the PMPi multi-state check does meet the requirement.

5. **Program Reports**—**DISCUSSION**—Renee Fullerton, Executive Director; Susan Gragg, Program Manager; and Brad Burnham; and Gail Yu, AAG
5.1. Budget and fee update
The board reviewed the 2019 Biennium-to-Date through June 30, 2019 budget report. Ms. Gragg noted that a final end of the biennium report will come later after account...
reconciliations are completed. The current report shows the board’s spending authority is overspent. This is largely due to expenses related to the HB 1427 opioid prescribing project. Reserve funds remain in good shape.

5.2. Statistics reports
The reports show 357 active licensees, and 18 active limited licensees. Currently there are 29 active disciplinary cases. Ms. Gragg provided a report comparing the annual numbers of disciplinary cases received and investigations authorized of the Podiatry Board, the Osteopathic Board, MQAC, and Advanced Registered Nurse Practitioners since 2011.

5.3. Continuing education audit report
The board reviewed the August 2019 continuing education report provided by Ms. Gragg.

Ms. Gragg asked the board if it wished to continue receiving a CE audit report. The report provides examples of the type of courses being taken and approved. Any courses in question of qualifying, when there are any, are brought to the board for determination. The board decided it would like to continue to receive the CE audit reports.

6. Open Forum
The purpose of the open forum is to provide the public an opportunity to address the board on issues of significance to or affecting the practice of podiatry and that are not related to topics for which a rules hearing was or will be scheduled.

Dr. Kovacevich Renne spoke of the volume of questions and correspondence WSPMA received concerning the opioid prescribing and PMP monitoring rules. Uniformity across professions and specialties is desired.

7. Future Business—DISCUSSION—Randy Anderson, DPM, Chair
- Rules hearings
- Review and consider for adoption CRP Guidelines and Procedures documents

8. Settlement Presentations—DISCUSSION/ACTION—Randy Anderson, DPM, Chair
Settlement and/or Agreed Order presentations are contingent upon agreements being reached between the parties prior to a board meeting. Decisions are made in Closed Session.

There were no settlement presentations.

9. Adjournment of public meeting—ACTION—Randy Anderson, DPM, Chair
The public portion of the meeting was adjourned at 11:13 a.m.

10. Discipline and Licensing