

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS

F I N A L M I N U T E S

MEETING OF:

STATE BOARD OF PODIATRY

TIME: 10:30 A.M.

Held at

PENNSYLVANIA DEPARTMENT OF STATE

2525 North 7th Street

CoPA HUB, Eaton Conference Room

Harrisburg, Pennsylvania 17110

as well as

VIA MICROSOFT TEAMS

Wednesday, February 19, 2025

State Board of Podiatry
February 19, 2025

BOARD MEMBERS:

Arion R. Claggett, Acting Commissioner, Bureau of
Professional and Occupational Affairs
Eric B. Greenberg, D.P.M., J.D., Chairman
Christopher A. Seda, D.P.M., Vice Chairman
William D. Fetchik, D.O., Secretary
Edwin Hart, DPM
Steven Shannon, D.P.M.
Walker Kmetz, Public Member

BUREAU PERSONNEL:

Ashley D. Keefer, Esquire, Board Counsel
Thomas M. Davis, Esquire, Regulatory Board Counsel
Paul J. Jarabeck, Esquire, Senior Board Prosecutor
Timothy J. Henderson, Esquire, Board Prosecution
Liaison
Carlton Smith, Esquire, Deputy Chief Counsel,
Prosecution Division
Priscilla Turek, Board Administrator

ALSO PRESENT:

Jessica Ashman, Sargent's Court Reporting Service,
Inc.

State Board of Podiatry

February 19, 2025

[Pursuant to Section 708(a)(5) of the Sunshine Act, at 9:50 a.m. the Board entered into Executive Session with Ashley D. Keefer, Esquire, Board Counsel, for the purpose of conducting quasi-judicial deliberations on a number of matters that are currently pending before the Board and to receive the advice of counsel. The Board returned to open session at 10:31 a.m.]

The regularly scheduled meeting of the State Board of Podiatry was held on Wednesday, February 19, 2025. Eric B. Greenberg, D.P.M., J.D., Chairman, called the meeting to order at 10:31 a.m.

[Ashley D. Keefer, Esquire, Board Counsel, noted the meeting was being recorded and voluntary participation constituted consent to be recorded.

Ms. Keefer also noted that the Board entered into Executive Session for the purpose of conducting quasi-judicial deliberations on a number of matters that are currently pending before the Board and to

1 receive the advice of counsel.]

2 ***

3 Introduction of Board Members/Attendees

4 [Priscilla Turek, Board Administrator, provided an
5 introduction of the Board members, staff, and
6 audience in attendance. A quorum of Board members
7 was present.]

8 ***

9 Approval of minutes of the December 16, 2024 meeting

10 CHAIRMAN GREENBERG:

11 Let's move on to approval of the minutes
12 from the December 16, 2024 meeting.

13 DR. HART:

14 Motion to approve.

15 CHAIRMAN GREENBERG:

16 Second?

17 DR. SEDA:

18 Second.

19 CHAIRMAN GREENBERG:

20 Roll call.

21

22 Arion Claggett, aye; Eric Greenberg,
23 approved; Christopher Seda, approved;
24 William Fetchik, approve; Edwin Hart,
25 approved; Steven Shannon, approved;

1 Walker Kmetz, approved.

2 [The motion carried unanimously.]

3 ***

4 Appointment - Annual Prosecution Report

5 [Carlton Smith, Esquire, Deputy Chief Counsel,

6 Prosecution Division, presented the Annual

7 Prosecution Report.

8 Chair Greenberg first asked Mr. Smith for
9 screenshots as part of the record and was advised by
10 Mr. Smith that he would forward a copy of same to the
11 Board.

12 Mr. Smith explained there were 1,588 active
13 licensees under the Podiatry Board. He then advised
14 that the prosecutorial division had opened 63 cases
15 in 2024, ten less than 2023. He stated that 62 cases
16 were closed in 2024, and the number of current cases
17 open was 89.

18 Chair Greenberg asked Mr. Smith how he thought the
19 Podiatry Board was doing as a profession compared to
20 other medical boards. Mr. Smith responded that the
21 annual report with this information had been
22 published and was available. He noted that other
23 medical boards had similar numbers. Ms. Keefer
24 advised that a copy of the annual report had been
25 sent to the Board members.

1 Mr. Smith advised the Board that it took the
2 prosecutorial division an average of about 396 days
3 to close a case, which was an improvement over the
4 461 days it took them in 2023.

5 He also explained the process that could determine
6 the length of time for a case to close. He stated
7 the initial complaint would first go to BEI (Bureau
8 of Enforcement and Investigation), and they would
9 interview the licensees and witnesses to the
10 complaint. When a final report by BEI was completed,
11 it is sent to the prosecutorial division who would
12 decide what charges, if any, should be filed.

13 Mr. Smith stated that if a complaint is alleging a
14 below standard of care violation by a licensee, an
15 expert opinion report would be needed to prove or
16 dis-prove the claim. Obtaining an expert's opinion
17 or report on a potential breach of care violation can
18 be time consuming.

19 Mr. Smith indicated that for those cases or
20 allegations that are less serious violations, warning
21 letters, reprimands, fines or probation can be
22 utilized to address the violation. When a warning
23 letter is sent out, both the complainant and the
24 licensee will get a copy of the letter. A warning
25 letter is not considered to be an official form of

1 discipline.

2 Mr. Smith explained some cases are categorized as
3 prosecution not warranted cases, meaning that no
4 charges are filed against the alleged violator. This
5 could be due to a lack of evidence to support the
6 allegation, a lack of cooperating witnesses, no
7 medical records to support the complaint, etc. Mr.
8 Smith stated there were 39 prosecution not warranted
9 cases in 2024.

10 Chair Greenberg then asked Mr. Smith what the
11 policy was for the prosecutorial division when both
12 an active investigation and civil litigation might be
13 taking place concurrently. Mr. Smith advised that
14 ongoing civil litigation would not necessarily hinder
15 an investigation from moving forward, but a civil
16 litigation lawsuit that commences prior to an
17 investigation could raise obstacles, such as a non-
18 disclosure agreement as part of the resolution or
19 instructions by their attorneys not to speak to Board
20 attorneys while the civil lawsuit is pending.

21 Chair Greenberg then asked about the policy of the
22 Prosecution Division regarding interviewing licensees
23 during or before civil litigation.

24 Paul J. Jarabeck, Esquire, Senior Board
25 Prosecutor, replied by stating, if an investigation

1 had already begun before the commencement of a civil
2 suit, there was no duty by the prosecution division
3 to halt the investigation on that basis. He added
4 that the alleged violator could choose not to speak
5 with them once a civil suit begins. Mr. Jarabeck
6 also advised that the subject of the investigation
7 could be required by law to release medical records
8 from their practice for the investigation.

9 Mr. Smith asked for questions or comments.
10 Hearing none, he concluded the presentation.]

11 ***

12 Report of Prosecutors - No report.

13 ***

14 Report of Board Counsel - The Sunshine Act and
15 Recusal

16 [Ashley Keefer, Esquire, Board Counsel, presented on
17 The Sunshine Act and Recusal.

18 Ms. Keefer began by stating to the Board that The
19 Sunshine Act ensures transparency and affords the
20 public the right to be present at agency meetings.
21 She further noted that any agency business or
22 establishment of policy voting is considered an
23 official action that the public must be privy to.
24 The public must have at least three days' notice of
25 the upcoming meeting with the date, time, location

1 and agenda for same.

2 Ms. Keefer stated that each vote in a meeting has
3 to be recorded and publicly passed. Meeting minutes
4 are also to be accurately recorded and approved by
5 the Board.

6 She commented that certain meeting activities by
7 the Board do not need to be publicly held. Activities
8 such as conferences, seminars and Executive Sessions
9 need not give notice to the public. Executive
10 sessions are used to consult with Board Counsel and
11 may take place either before, during or after a
12 public session.

13 Ms. Keefer noted committees are a part of the
14 Board and are there to help advance the business of
15 same.

16 Ms. Keefer advised that there are penalties for
17 violating The Sunshine Act. Any violation of The
18 Sunshine Act during a meeting could result in
19 negating the results of same as well as having fines
20 imposed for the violation..

21 Ms. Keefer spoke about recusal, noting any Board
22 member having a personal financial interest in the
23 outcome of a case is required to remove themselves
24 from the case. Further, any Board member that might
25 have a personal relationship with an individual

1 directly involved in a case must recuse themselves
2 from the case as well. Discretionary recusals can be
3 utilized for any case where an implicit bias might
4 exist within the mind of a member that could
5 potentially cause them to vote unfairly in a case.

6 Ms. Keefer stressed the need for integrity by the
7 Board so that it would not be seen as creating the
8 appearance of impropriety in any of its' official
9 actions. Every voting member has the right to seek
10 counsel in an Executive Session if they have
11 uncertainty or concern about their role in a
12 particular official matter. They also have an
13 obligation to recuse themselves from that matter
14 should they feel uncertain about it.

15 The distinction between Abstention and Recusal
16 were noted. For the purposes of becoming a Board
17 member, conflicts of interest were identified and
18 clarified.

19 ***

20 Report of Board Counsel - Regulatory Report
21 [Thomas Davis, Esquire, Regulatory Board Counsel, is
22 working on a number of regulations, and counsel is
23 also continuing to move ahead with the Act 41
24 regulations.]

25 ***

1 Report of Board Chair - No report

2 ***

3 Report of Acting Commissioner - No report

4 ***

5 Report of Board Administrator -

6 [Ms. Priscilla Turek reminded the Board that the
7 statement of financial interest needed to be
8 completed by May 1, 2025.]

9 ***

10 For Applications for Licensure - Continuing Education
11 Program Approval - DOH Accreditation Review

12 MS. KEEFER:

13 Based on the discussions in Executive
14 Session I believe the Chair would
15 entertain the motion to grant the CE
16 course application for the Department of
17 Health for its' Opioid CE program.

18 CHAIR GREENBERG:

19 Motion.

20 DR. SEDA:

21 Motion to approve.

22 CHAIR GREENBERG:

23 Second and a roll call.

24

25 Arion Claggett, aye; Eric Greenberg, aye;

1 Christopher Seda, aye; William Fetchik,
2 aye; Edwin Hart, aye; Steven Shannon,
3 aye; Walker Kmetz, aye.

4 [The motion carried unanimously.]

5 ***

6 For the Boards Information / Discussion - Board
7 Meeting Dates for 2025 and 2026

8 [Chairman Greenberg stated that the Board already had
9 their meeting dates for the remainder of 2025: April
10 23, June 18, August 20, October 22 and December 17.
11 Court dates for 2026 are: February 18, April 15, June
12 17, August 19, October 28 and December 16.]

13 ***

14 Adjournment

15 CHAIRMAN GREENBERG:

16 This meeting for the State Board of
17 Podiatry of February 19, 2025 is now
18 concluded. Thank you.

19 ***

20 [There being no further business, the State Board of
21 Podiatry Meeting adjourned at 11:05 a.m.]

22 ***

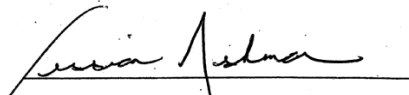
23

24

25

CERTIFICATE

I hereby certify that the foregoing summary minutes of the State Board of Podiatry meeting, was reduced to writing by me or under my supervision, and that the minutes accurately summarize the substance of the State Board of Podiatry meeting.

A handwritten signature in black ink, appearing to read "Jessica Ashman", written over a horizontal line.

Jessica Ashman,

Minute Clerk

Sargent's Court Reporting
Service, Inc.

STATE BOARD OF PODIATRY
REFERENCE INDEX

February 19, 2025

TIME	AGENDA
9:50	Executive Session
10:30	Return to Open Session
10:30	Official Call to Order
10:31	Introduction of Board Members/Attendees
10:32	Approval of Minutes
10:33	Appointment - Carlton Smith, Esquire, Deputy Chief Counsel, Prosecution
10:49	Report of Board Counsel -
11:01	Report of Board Administrator
11:02	Applications - for Licensure Continuing Education Program Approval
11:03	For the Board's Information/Discussion
11:04	Adjournment