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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: 10:35 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, April 17, 2024



1 \*\*\*

2 State Board of Podiatry

3 April 17, 2024

4 \*\*\*

5 [Pursuant to Section 708(a)(5) of the Sunshine Act,  
6 at 10:00 a.m. the Board entered into Executive  
7 Session with Dean F. Picarella, Esquire, Board  
8 Counsel, for the purpose of conducting quasi-judicial  
9 deliberations on a number of matters that are  
10 currently pending before the Board and to receive the  
11 advice of counsel. The Board returned to open  
12 session at 10:30 a.m.]

13 \*\*\*

14 The regularly scheduled meeting of the State  
15 Board of Podiatry was held on Wednesday, April 17,  
16 2024. Eric B. Greenberg, D.P.M., J.D., Chairman,  
17 called the meeting to order at 10:35 a.m.

18 \*\*\*

19 [Dean F. Picarella, Esquire, Board Counsel, noted the  
20 meeting was being recorded and voluntary  
21 participation constituted consent to be recorded.

22 Mr. Picarella also noted the Board entered into  
23 Executive Session for the purpose of conducting  
24 quasi-judicial deliberations on a number of matters  
25 that are currently pending before the Board and to

1 receive the advice of counsel.]

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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.]

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9 Approval of minutes of the February 28, 2024 meeting

10 CHAIRMAN GREENBERG:

11 Now, we're going to go to the approval of  
12 minutes for February 28, 2024.

13 Do I have a motion to approve those  
14 minutes?

15 DR. SEDA:

16 Motion to approve.

17 DR. FETCHIK:

18 Second.

19 CHAIRMAN GREENBERG:

20 May I have a roll call vote?

21

22 Eric Greenberg, yes; Christopher Seda,  
23 aye; William Fetchik, aye; Matthew Eaton,  
24 abstain.

25 [The motion carried. Matthew Eaton abstained from

1 voting on the motion.]

2 \*\*\*

3 Report of Prosecutors - No Report

4 \*\*\*

5 Report of Board Counsel - 16A-4412 Final Rulemaking -  
6 Child Abuse Reporting Requirements

7 [Cynthia K. Montgomery, Esquire, Deputy Chief  
8 Counsel, Counsel Division, Department of State,  
9 presented the final-form rulemaking for 16A-4412  
10 regarding child abuse reporting requirements. She  
11 mentioned that Dr. Greenberg was the only member on  
12 the Board and offered to review the history of the  
13 regulation and regulatory process for current Board  
14 members.

15 Chair Greenberg noted being familiar with the  
16 regulation, along with all of the other Board  
17 members.

18 Ms. Montgomery informed Board members that no  
19 public comments were received during the 30-day  
20 public comment period after the proposed rulemaking  
21 was published on December 2, 2023. She noted  
22 receiving a letter from the Independent Regulatory  
23 Review Commission indicating they also had no  
24 comments.

25 Ms. Montgomery stated the final-form rulemaking

1 would have been deemed approved if the Board did not  
2 make any changes, but the Bureau of Professional and  
3 Occupational Affairs (BPOA) moved and the address to  
4 which individuals can submit courses for approval  
5 under Act 31 changed.

6 Ms. Montgomery noted that the Bureau of  
7 Professional and Occupational Affairs mailing address  
8 would need to be updated under § 29.99 but individuals  
9 could still email courses for approval to the same  
10 email address.

11 Ms. Montgomery explained that the regulation  
12 would then leave the agency and go to the Governor's  
13 Office of General Counsel, Governor's Policy Office,  
14 and the Governor's Budget Office for approval under  
15 Executive Order 1996-1. She further explained that  
16 after their approval it would be delivered to the  
17 House Professional Licensure Committee and Senate  
18 Consumer Protection and Professional Licensure  
19 Committee, as well as the Independent Regulatory  
20 Review Commission.

21 Ms. Montgomery stated the Independent Regulatory  
22 Review Commission would then schedule it for a public  
23 meeting at least 30 days after the delivery and  
24 formally vote whether to approve the final-form  
25 rulemaking. She noted it would then be sent to the

1 Office of Attorney General under the Commonwealth  
2 Attorneys Act for final review as to form and  
3 legality for approval and then be published as final  
4 rulemaking in the *Pennsylvania Bulletin* and codified  
5 in the Pennsylvania Code.

6 Ms. Montgomery requested Board members vote to  
7 approve the final-form rulemaking for 16A-4412  
8 regarding child abuse reporting requirements.]

9 CHAIRMAN GREENBERG:

10 Do I have a motion to approve 16A-4412,  
11 child abuse reporting requirements?

12 DR. SEDA:

13 Motion to approve.

14 CHAIRMAN GREENBERG:

15 Do I have a second to that motion?

16 DR. FETCHIK:

17 Second.

18 CHAIRMAN GREENBERG:

19 May I have a roll call?

20

21 Dr. Greenberg, yes; Dr. Seda, yes; Dr.

22 Fetchik, yes; Matthew Eaton, yes.

23 [The motion carried unanimously.]

24

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25 Report of Board Counsel - Status of Regulations of

1 the State Board of Podiatry - April 2024  
2 [Thomas M. Davis, Esquire, Regulatory Counsel,  
3 thanked Ms. Montgomery for updating the Board on the  
4 child abuse reporting requirements.

5 Mr. Davis noted the Board had six other active  
6 regulations, including sexual misconduct,  
7 acupuncture, volunteer license prescribing and  
8 continuing education, licensure by endorsement, and  
9 radiologic procedures. He informed Board members  
10 that he is actively working on every one of those  
11 regulations but does not have anything concrete at  
12 this time.

13 Mr. Davis was focusing on the sexual misconduct  
14 and radiologic procedures regulations and hoped to  
15 get those published as proposed in the very near  
16 future.

17 Mr. Davis referred to prior discussion regarding  
18 the issue of referring to members of the Board as  
19 physicians. He noted researching the issue and found  
20 that the topic was discussed at length in the minutes  
21 in at least 11 separate Board meetings ranging from  
22 April 17, 2019, to February 2024.

23 Chair Greenberg clarified that the request was to  
24 be referred to as podiatric physicians together and  
25 not singly as physicians.



1           Mr. Davis again noted that the issue has been  
2 discussed many times over the past five years and has  
3 also been discussed with the Acting Commissioner of  
4 BPOA, Director of Operations of BPOA, the Department  
5 of State Director of Policy, fellow Regulatory  
6 Counsel Marc Farrell, Board Counsel Todd Kriner, and  
7 a few other people, possibly even the secretary of  
8 the Department of Human Services and the Department  
9 of Insurance. He informed Board members that he did  
10 not have much to add beyond all of those individuals.

11           Mr. Davis mentioned that the Board had been  
12 informed several times in the past that it was not a  
13 matter that could be effectuated through regulation,  
14 which is why the Board has already tried to do the  
15 legislative initiative. He noted the legislative  
16 initiative does not seem to be gaining any traction  
17 and is above the pay grade of everybody at the  
18 Department of State as to why the legislature will or  
19 will not amend the act.

20           Mr. Davis served as counsel on the State Board of  
21 Veterinary Medicine, noting that board had a similar  
22 issue where there was an initiative to call certified  
23 veterinary technicians veterinary nurses, but the  
24 Board ultimately decided against that because those  
25 are not the words in the act.

1 Mr. Davis suggested the Board work on changing  
2 the act to be referred to as podiatric physicians but  
3 explained that it would have to be done through the  
4 legislature. He suggested Board members contact  
5 legislators in their own personal capacity but  
6 strongly advised not to contact them on behalf of the  
7 Board.

8 Chairman Greenberg requested agencies provide  
9 Board members with the courtesy of providing a reason  
10 for the resistance and not accepting podiatric  
11 physician.

12 Andrew LaFratte, MPA, Deputy Policy Director,  
13 Department of State, informed Board members of going  
14 back and forth with the Department of Human Services  
15 (DHS) regarding podiatry coverage through Medicaid.  
16 He mentioned that DHS would like to speak with the  
17 Board to address their concerns and offered to work  
18 with the Board administrator to set that up for the  
19 June Board meeting.

20 Mr. LaFratte commented that DHS takes this very  
21 seriously and expressed a concern regarding any  
22 lapses in coverage and would like to hear from the  
23 Board to see what can be done to remediate all of the  
24 issues. He referred to a question from a  
25 presentation in February from the Board related to

1 the Administrative Waiver Request.

2 Mr. LaFratte explained that it was DHS's 1150  
3 Administrative Waiver Request and could be used if a  
4 particular service was not covered. He referred to a  
5 question concerning the time frame as far as a  
6 decision from DHS. He discussed the response he  
7 received from the Department of Human Services,  
8 noting there is no time frame identified in the  
9 regulations other than to say that the prior  
10 authorization timeline of 21 days does not apply to  
11 the waiver requests.

12 Mr. LaFratte stated the Administrative Waiver  
13 Request, which is also known as a program exception,  
14 is handled generally in the same time frame as the  
15 prior authorization and roughly around the 21-day  
16 mark, but there is no set date within the regulations  
17 for that particular Administrative Waiver Request.  
18 He offered to share a number of links related to  
19 handbooks and bulletins from DHS with the Board.

20 Chair Greenberg thanked Mr. LaFratte for offering  
21 to make the arrangements to have DHS attend the June  
22 meeting.]

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24 Report of Board Chair - No Report

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1 Report of Acting Commissioner - No Report

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3 Report of Board Administrator - No Report

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5 Applications for Licensure

6 MR. PICARELLA:

7 This was one of the matters discussed in  
8 Executive Session. I believe, based  
9 upon discussions in Executive Session,  
10 the Board Chair would entertain a motion  
11 to provisionally deny the Application for  
12 Licensure of Stephen Kominsky and direct  
13 counsel to notify the Applicant of this  
14 provisional denial.

15 CHAIRMAN GREENBERG:

16 May I have a motion?

17 DR. SEDA:

18 Motion for provisional denial.

19 DR. FETCHIK:

20 Second.

21 CHAIRMAN GREENBERG:

22 Roll call vote.

23

24 Dr. Greenberg, yes; Dr. Seda, yes; Dr.

25 Fetchik, yes; Matthew Eaton, yes.

1 [The motion carried unanimously.]

2 \*\*\*

3 For the Board's Information/Discussion - Board  
4 Meeting Dates

5 [Eric B. Greenberg, D.P.M., J.D., Chairman, noted the  
6 remaining 2024 Board meeting dates are June 20,  
7 August 21, October 15, and December 16.]

8 \*\*\*

9 Public Comment

10 [Mike Barth, Executive Director, Pennsylvania  
11 Podiatric Medical Association, requested information  
12 regarding the application approval process.

13 Mr. Picarella explained that applicants who meet  
14 all of the criteria for licensure are approved  
15 administratively as they are received. He further  
16 explained that applications with any questions are  
17 presented to the Board to decide whether to approve  
18 or provisionally deny the application.

19 Chair Greenberg informed Mr. Barth that the Board  
20 administrator is working on the email for all  
21 licensees to clarify and make certain everyone is  
22 knowledgeable about the regulations for approved  
23 online continuing medical education (CME).]

24 \*\*\*

25 Adjournment

1 CHAIRMAN GREENBERG:

2 Do I have a motion to adjourn?

3 DR. SEDA:

4 Motion to adjourn.

5 DR. FETCHIK:

6 Second.

7 CHAIRMAN GREENBERG:

8 Thank you.

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10 [There being no further business, the State Board of  
11 Podiatry Meeting adjourned at 10:56 a.m.]

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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.

Ian Weeber

Ian Weeber,  
Minute Clerk  
Sargent's Court Reporting  
Service, Inc.

STATE BOARD OF PODIATRY  
REFERENCE INDEX

April 17, 2024

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TIME	AGENDA
10:00	Executive Session
10:30	Return to Open Session
10:35	Official Call to Order
10:35	Introduction of Board Members/Attendees
10:35	Approval of Minutes
10:37	Report of Board Counsel
10:53	Applications for Licensure
10:54	For the Board's Information/Discussion
10:54	Public Comment
10:56	Adjournment