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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: 10:30 A.M.

Held at

PENNSYLVANIA DEPARTMENT OF STATE

2601 North Street

One Penn Center, Board Room C

Harrisburg, Pennsylvania 17110

as well as

VIA MICROSOFT TEAMS

Wednesday, August 16, 2023

State Board of Podiatry
August 16, 2023

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BOARD MEMBERS:

Arion R. Claggett, Acting Commissioner, Bureau of
Professional and Occupational Affairs
Robert B. Weber, D.P.M., J.D., M.B.A., Vice Chairman
Dia D. McCaughan, D.P.M., Secretary
Eric B. Greenberg, D.P.M., J.D.
Christopher A. Seda, D.P.M.

BUREAU PERSONNEL:

Todd P. Kriner, Esquire, Board Counsel
Timothy J. Henderson, Esquire, Board Prosecution
Liaison
Paul J. Jarabeck, Esquire, Senior Board Prosecutor
Priscilla Turek, Board Administrator
Nichole Wray, Division Chief
Michael McDonald, Policy Director, Department of
State

ALSO PRESENT:

Matthew Ford

State Board of Podiatry

August 16, 2023

[Pursuant to Section 708(a)(5) of the Sunshine Act,
at

10:00 a.m. the Board entered into Executive Session
with Todd P. Kriner, Esquire, Board Counsel, for the
purpose of conducting quasi-judicial deliberations on
the matters listed under the Report of Prosecutors
and Report of Board Counsel. The Board returned to
open session at 10:30 a.m.]

The regularly scheduled meeting of the State
Board of Podiatry was held on Wednesday, August 16,
2023. Robert B. Weber, D.P.M., J.D., M.B.A., Vice
Chairman, called the meeting to order at 10:30 a.m.

Introduction of Board Members/Attendees

[Priscilla Turek, Board Administrator, provided an
introduction of the Board members, staff, and
audience in attendance.]

[Todd P. Kriner, Esquire, Board Counsel, noted the
Board met in Executive Session to discuss quasi-

1 judicial matters under the Report of Prosecutors and
2 Report of Board Counsel.

3 Mr. Kriner also noted the meeting was being
4 recorded and voluntary participation constituted
5 consent to be recorded.]

6 ***

7 Appointment - Introduction

8 [Michael McDonald, Policy Director, Department of
9 State, introduced himself and provided a brief
10 history of his professional background. He informed
11 everyone that the policy office supports program
12 areas, including all of the licensing boards and
13 commissions. He noted working closely with the
14 secretary and governor to help develop and implement
15 policy agendas.

16 Mr. McDonald noted they work closely with Board
17 Counsel to help review and draft regulations and
18 implement new policies. He also noted they research
19 the practices of other jurisdictions and across
20 Pennsylvania that could have an impact on the
21 licensing population.

22 Mr. McDonald encouraged Board members to reach
23 out to him or Deputy Policy Director Andrew LaFratte
24 as a resource for any questions or concerns.

25 Mr. McDonald thanked Board members for their

1 service to the licensees and citizens of the
2 Commonwealth of Pennsylvania.]

3 ***

4 Approval of minutes of the June 28, 2023 meeting

5 VICE CHAIRMAN WEBER:

6 Could I have a motion to approve the
7 minutes?

8 DR. GREENBERG:

9 I make a motion to approve the minutes.

10 VICE CHAIRMAN WEBER:

11 Second, please?

12 DR. MCCAUGHAN:

13 I'll second that motion.

14 VICE CHAIRMAN WEBER:

15 Roll call?

16

17 Mr. Claggett, aye; Dr. Weber, aye; Dr.
18 McCaughan, aye; Dr. Greenberg, aye; Dr.
19 Seda, abstain.

20 [The motion carried. Christopher Seda abstained from
21 voting on the motion.]

22 ***

23 Report of Prosecutors

24 [Timothy J. Henderson, Esquire, Board Prosecution

25 Liaison, informed Board members that he provided a

1 presentation to third-year students at Temple
2 University School of Podiatric Medicine on July 10,
3 2023. He noted giving students a general review of
4 prosecutorial and investigative functions, as well as
5 informing students of common complaints and
6 discipline imposed on licensees.

7 Mr. Henderson stated the faculty member requested
8 an annual presentation and possibly opening it up to
9 other faculty members at the Temple University School
10 of Podiatric Medicine.

11 Vice Chairman Weber suggested Mr. Henderson
12 provide a presentation to the Pennsylvania Podiatric
13 Medical Association.

14 Mr. Henderson noted that he would try to arrange
15 a presentation with the Pennsylvania Podiatric
16 Medical Association after approval by Mr. Jarabeck.

17 Mr. Henderson also informed Board members that
18 Dr. Paul Angotti in Willow Grove provided prosecutors
19 with a presentation of some of the common injuries
20 that occur and how he reviews cases once submitted
21 for expert review. He mentioned that prosecution
22 hopes to continue those annual presentations at Dr.
23 Angotti's podiatry office.]

24 ***

25 Report of Board Counsel

1 [Todd P. Kriner, Esquire, Board Counsel, informed
2 Board members that the Commonwealth Court ruled in
3 the Board's favor in July regarding Dr. Lawrence
4 Kansky and would reinstate his license pending his
5 passing the exam and then putting him on probation.
6 He noted Dr. Kansky has 30 days to petition the
7 Supreme Court for allowance of appeal.]

8

9 Report of Board Counsel - Regulatory Promulgation
10 Process Flowchart

11 [Todd P. Kriner, Esquire, Board Counsel, provided a
12 flowchart of cases for the Board's review on the
13 regulatory process. He noted 16A-449 regarding
14 acupuncture was still under review by regulatory
15 counsel.]

16 Mr. Kriner noted he would be sending 16A-4419
17 regarding licensure by endorsement to regulatory
18 counsel.

19 Mr. Kriner addressed 16A-4418 regarding
20 administration and prescription of drugs and
21 continuing education (CE) carryover. He informed
22 Board members that administration and prescription of
23 drugs and carryover CE may be put forth first and
24 then would dovetail a separate regulation for
25 therapeutic drugs. He mention they do not want to

1 hold one up because one might be controversial.

2 Mr. Kriner noted his editing of 16A-448 regarding
3 sexual misconduct and referred to 16A-4420 regarding
4 radiographic assistants, informing Board members that
5 he would like to have both of those finalized and on
6 the books by the end of the year.

7 Mr. Kriner commented that regulatory counsel was
8 directing the volunteer license because it is a
9 universal regulation for all boards. He referred to
10 a question from Dr. Weber at the last meeting
11 concerning insurance and explained that it was
12 covered in the regulation, where there would not be a
13 lack of insurance for someone under a volunteer
14 license.

15 Vice Chairman Weber asked whether the insurance
16 would also cover an individual providing volunteer
17 work for the military or Veterans Affairs.

18 Mr. Kriner explained that the VA would fall under
19 the different factors for having a volunteer
20 license.]

21 ***

22 Report of Board Chair

23 [Robert B. Weber, D.P.M., J.D., M.B.A., Vice
24 Chairman, recognized the passing of former Board
25 member, Dr. Larry Newman, noting he represented the

1 profession by doing a lot for podiatrists and the
2 Board and was an outstanding podiatrist.]

3

4 Report of Acting Commissioner

5 [Robert B. Weber, D.P.M., J.D., M.B.A., Vice
6 Chairman, requested an overview of the new location.

7 Acting Commissioner Claggett noted the licensing
8 staff moved to 2525 North 7th Street and any public
9 walk-ins would go to that location. He also noted
10 mail was still being sent to a post office box. He
11 informed Board members that all meetings would
12 continue at One Penn Center until the furniture was
13 delivered and new technology installed.]

14

15 Report of Board Administrator - No Report

16

17 For the Board's Information/Discussion

18 [Dia D. McCaughan, D.P.M., Secretary, mentioned
19 having difficulty finding the link on the Board's
20 website for the list of medical malpractice insurance
21 providers.

22 Nichole Wray, Division Chief, explained that it
23 has not been linked completely but would double check
24 and send an email and a news blast to licensees.

25 Dr. Greenberg reminded Ms. Wray to include the

1 Pennsylvania Professional Liability Joint
2 Underwriting Association (JUA).]

3 ***

4 For the Board's Information/Discussion - Board
5 Meeting

6 Dates

7 [Robert B. Weber, D.P.M., J.D., M.B.A., Chairman,
8 noted 2023, 2024, and 2025 meeting dates for the
9 Board's review.]

10 ***

11 For the Board's Information/Discussion - Old
12 Business - New Business - Election of Officers

13 MR. KRINER:

14 Is there a nomination for Chair?

15 VICE CHAIRMAN WEBER:

16 I nominate Eric Greenberg.

17 DR. MCCAUGHAN:

18 I'd like to second that nomination.

19 MR. KRINER:

20 Are there any other nominations? Hearing
21 none.

22 Since there are no other
23 nominations, the nominations are closed.

24 Roll call vote.

25

1 Mr. Claggett, aye; Dr. Weber, aye; Dr.
2 McCaughan, aye; Dr. Greenberg, aye; Dr.
3 Seda, aye.

4 [The motion carried unanimously.]

5 ***

6 DR. GREENBERG:

7 For the Vice Chair, I'd like to nominate
8 Dr. McCaughan.

9 MR. KRINER:

10 Are there any other nominations for Vice
11 Chair?

12 VICE CHAIRMAN WEBER:

13 I second.

14 MR. KRINER:

15 The nominations are closed, not hearing
16 any other names. We need the roll call
17 vote.

18
19 Mr. Claggett, aye; Dr. Weber, aye; Dr.
20 McCaughan, aye; Dr. Greenberg, aye; Dr.
21 Seda, aye.

22 [The motion carried unanimously.]

23 ***

24 [Todd P. Kriner, Esquire, Board Counsel, noted the
25 nominations for Secretary and Act 41 Committee and

1 Probable Cause Screening Committee members would be
2 tabled until the next meeting.]

3 ***

4 Miscellaneous

5 [Dia D. McCaughan, D.P.M., Secretary, asked Ms. Turek
6 whether there was any information concerning the
7 Medical Cannabis Committee.

8 Ms. Turek stated the information was forwarded to
9 Matthew Eaton.

10 Acting Commissioner Claggett offered to have Mr.
11 Eaton provide an update for the Board.

12 Dr. Greenberg asked Acting Commissioner Claggett
13 to contact Mr. McDonald concerning a way to change
14 the definition of podiatry to include the word
15 physician in order to ensure the welfare community in
16 Pennsylvania are not at risk for losing podiatric
17 medical care services.

18 Dr. Greenberg stated the easiest way would be to
19 include the word "physician" in the definition of
20 podiatry, making it clear to other boards and Mr.
21 McDonald that podiatry was not remotely asking to
22 increase their scope of practice in podiatry by state
23 law.

24 Dr. Greenberg further explained that the word
25 physician was not meant to expand their scope but was

1 meant to be consistent with a number of other states
2 in the country and to ensure the welfare population.

3 He asked whether the objecting boards, including the
4 medical and osteopathic boards, would give a written
5 statement to accept welfare patients if podiatry was
6 taken off as a service for welfare insurers.

7 Dr. Greenberg requested Mr. McDonald consider
8 adding the word physician to the definition so
9 podiatrists are considered as a necessary medical
10 service and not discretionary. He stated any
11 physicians who want to deny the word physician should
12 accept the responsibility of treating podiatry
13 patients. He further stated all of the podiatrists
14 should not be in the position of being obligated to
15 treat for gratis all of the patients when
16 reimbursement is being taken away.

17 Dr. Greenberg addressed the importance of
18 organizations realizing that podiatry is a
19 discretionary service that could be taken away with
20 the stroke of a pen and the Medicaid population would
21 have no care if there was no agreement from the
22 medical boards to accept Medicaid reimbursement.

23 Mr. Kriner commented that individual podiatrists
24 should be contacting their local legislators to
25 forward this issue but not as members of the Board.

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

3 ***

4
5 CERTIFICATE

6
7 I hereby certify that the foregoing summary
8 minutes of the State Board of Podiatry meeting, was
9 reduced to writing by me or under my supervision, and
10 that the minutes accurately summarize the substance
11 of the State Board of Podiatry meeting.

12
13 
14 _____

15 Matthew Ford,

16 Minute Clerk

17 Sargent's Court Reporting
18 Service, Inc.

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STATE BOARD OF PODIATRY
REFERENCE INDEX

August 16, 2023

1
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TIME	AGENDA
10:00	Executive Session
10:30	Return to Open Session
10:30	Official Call to Order
10:31	Introduction of Board Members/Attendees
10:32	Appointment - Michael McDonald
10:35	Approval of Minutes
10:37	Report of Prosecutors
10:40	Report of Board Counsel
10:45	Report of Board Chair
10:48	Report of Acting Commissioner
10:49	For the Board's Information/Discussion
10:55	Miscellaneous
11:10	Adjournment