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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: 10:36 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, October 18, 2023

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State Board of Podiatry
October 18, 2023

BOARD MEMBERS:

Arion R. Claggett, Acting Commissioner, Bureau of Professional and Occupational Affairs
Eric B. Greenberg, D.P.M., J.D., Chairman
Dia D. McCaughan, D.P.M., Vice Chair - Absent
Christopher A. Seda, D.P.M.
William D. Fetchik, D.O.

BUREAU PERSONNEL:

Dean F. Picarella, Esquire, Senior Board Counsel
Todd P. Kriner, Esquire, Board Counsel
Thomas M. Davis, Esquire, Board Regulatory Counsel
Paul J. Jarabeck, Esquire, Senior Board Prosecutor
Priscilla Turek, Board Administrator

ALSO PRESENT:

Andrew Meyr, D.P.M., FACFAS, Program Director, Temple University Hospital/Vice Chair and Region 7 Representative, Council of Teaching Hospitals
Madeline Helmsetter

1 ***

2 State Board of Podiatry

3 October 18, 2023

4 ***

5 [Pursuant to Section 708(a)(5) of the Sunshine Act,
6 at 9:30 a.m. the Board entered into Executive Session
7 with Dean F. Picarella, Esquire, Senior 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, October 18,
16 2023. Eric B. Greenberg, D.P.M., J.D., Chairman,
17 called the meeting to order at 10:36 a.m.

18 ***

19 [Dean F. Picarella, Esquire, Senior Board Counsel,
20 noted the 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.]

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.]

7

8 Approval of minutes of the August 16, 2023 meeting

9 CHAIRMAN GREENBERG:

10 Next, we move to approval of minutes for
11 the previous Board meeting, which took
12 place on August 16, 2023.

13 MR. PICARELLA:

14 Based upon discussions in Executive
15 Session, I believe the Board Chair would
16 entertain a motion to approve the minutes
17 of the August 16, 2023 meeting of the
18 Pennsylvania State Board of Podiatry as
19 presented.

20 CHAIRMAN GREENBERG:

21 Does anyone want to make a motion to
22 accept those?

23 DR. SEDA:

24 So moved.

25 CHAIRMAN GREENBERG:

1 I'll second the motion because Dr.
2 Fetchik was not here. May I have a roll
3 call vote on that?

4
5 Arion Claggett, aye; Eric Greenberg, aye;
6 Christopher Seda, aye; William Fetchik,
7 abstain.

8 [The motion carried. William Fetchik abstained from
9 voting on the motion.]

10 ***

11 Report of Prosecutors

12 [Paul J. Jarabeck, Esquire, Senior Board Prosecutor,
13 on behalf of Timothy J. Henderson, Esquire, Board
14 Prosecution Liaison, presented the Consent Agreement
15 for Case No. 22-44-005357.]

16 MR. PICARELLA:

17 Based upon the presentation, do any Board
18 members believe it would be necessary to
19 go back into Executive Session?

20 Based upon that, I believe the Board
21 Chair would entertain a motion to approve
22 the Consent Agreement at Case No. 22-44-
23 005357.

24 CHAIRMAN GREENBERG:

25 May I have a motion to accept?

1 DR. SEDA:

2 Motion to accept.

3 DR. FETCHIK:

4 Second.

5 CHAIRMAN GREENBERG:

6 Roll call vote.

7

8 Arion Claggett, aye; Eric Greenberg, aye;

9 Christopher Seda, aye; William Fetchik,

10 aye.

11 [The motion carried unanimously. The Respondent's

12 name is Steven Dennis Epstein, D.P.M.]

13

14 Appointment - Podiatric Residency and Licensing

15 Concerns

16 [Andrew Meyr, D.P.M., FACFAS, Program Director,

17 Temple University Hospital/Vice Chair and Region 7

18 Representative, Council of Teaching Hospitals,

19 presented to the Board to discuss podiatric residents

20 and licensing concerns. He serves as the

21 representative for all 20 of their podiatric

22 residency programs in Pennsylvania.

23 Dr. Meyr informed Board members of a unique

24 problem concerning licensing of incoming PGY-1

25 residents in Pennsylvania. He reported Pennsylvania

1 and Kentucky are the only two states that require
2 Part III of the National Board of Podiatric Medical
3 Examiners (NBPME) examination to obtain a residency
4 license. He mentioned that Pennsylvania has 20
5 programs with 63 incoming residents.

6 Dr. Meyr explained that candidates are only
7 eligible for Part III in the spring of their fourth
8 year of school, noting results typically come out in
9 the middle of June, which puts programs under stress
10 for their PGY-1 residents to get their applications
11 together to submit to the Board for their license.

12 Dr. Meyr's stated licenses often come in around
13 July 1 and that it was completely untenable this
14 year. He reported not being aware of any PGY-1
15 residents in Pennsylvania who had their license as of
16 July 1 because most programs and most PGY-1 residents
17 were delayed for weeks. He commented that it is a
18 bad look for their profession, noting complaints and
19 questions received from hospital graduate medical
20 education (GME) committees inquiring as to this
21 problem with podiatric residents.

22 Dr. Meyr mentioned NBPME agreed to release their
23 scores a few weeks early, but despite the results
24 coming out a few weeks earlier and applications for
25 the PGY-1 licenses being submitted a few weeks

1 earlier, there were significant and substantial
2 delays. He mentioned that residents who do not have
3 their license often cannot sign a contract or start
4 rotations with the hospital and affects the residents
5 education and the ability of program directors to
6 effectively manage their programs.

7 Dr. Meyr reported delays of up to six weeks with
8 a resident obtaining their license and being able to
9 start on July 1, noting there may be some extensions
10 with the Council on Podiatric Medical Education
11 (CPME) of training because of the delays. He
12 informed Board members that it is a challenge every
13 year and offered his assistance in remedying the
14 situation.

15 Acting Commissioner Claggett asked Dr. Meyr to
16 further explain when individuals graduate.

17 Dr. Meyr stated fourth-year podiatric medical
18 students graduate somewhere in the ballpark of May,
19 but results from the Part III Board scores do not
20 come out until June. He noted fourth-year podiatric
21 medical students take Part II of the Board
22 examination in their fourth year, usually in December
23 or January but are not eligible for Part III until
24 the spring.

25 Dr. Meyr reported that most states do not require

1 Part III for a resident license and only require Part
2 II and could pass Part III during their residency
3 training. He believed Kentucky and Pennsylvania to
4 be the only states requiring Part III in order to get
5 the resident license and again noted that it is a
6 real stretch with the timing of the test and the
7 timing of the release.

8 Acting Commissioner Claggett offered to address
9 Part III with the policy staff. He informed Dr. Meyr
10 that nothing could be done as far as the delay with
11 exam scores coming in close to the time staff are
12 going to start. He offered to continue the
13 conversation offline to discuss the issue more in
14 depth.

15 Dr. Meyr commented that one possible solution
16 that could be explored is not specifically requiring
17 Part III for a PGY-1 license and could be required at
18 some point over their training. He stated something
19 needs to be done about the processing of the
20 application because the same issue would continue if
21 there is not a mechanism to have those approved as of
22 July 1.

23 Acting Commissioner Claggett will take Part III
24 to the policy staff. He noted there is nothing they
25 could do as far as the applications until they

1 receive the exam scores if Part III is required by
2 law in Pennsylvania.

3 Dr. Meyr asked whether it would be possible for
4 applicants to submit a portion of their application
5 early to start the process and then submit the final
6 component when available to speed up the process,
7 noting Part III scores are a small portion of the
8 application.

9 Acting Commissioner Claggett explained that
10 applicants are currently able to submit their
11 application early to be processed, noting the
12 applicant would be sent a discrepancy notice
13 informing the applicant of what is needed to complete
14 the process. He noted the applicant would already be
15 in the system but are still at the mercy of the
16 school or whoever is providing the exam results.

17 Dr. Meyr asked why there were so many delays this
18 year compared to the previous year.

19 Acting Commissioner Claggett explained that the
20 department was short staffed but is now back up to
21 speed. He noted there is currently no backlog for
22 podiatry but did see a 30-day backlog the last
23 graduation season. He again noted that the next step
24 would be to run Part III through the policy staff to
25 see if anything can be done and continue to look at

1 ways to help the process as they go forward.

2 Dr. Seda commented that it would make it easier
3 to allow them to take it once they start rather than
4 taking it away, noting they should allow them to get
5 in rotations, take call, and get paid.

6 Dr. Meyr commented that no one could sign a
7 contract at Temple until they have a license, noting
8 all of his residents were not paid and other
9 hospitals had similar issues.

10 Chair Greenberg commented that it is a very
11 serious problem for residency programs and affects
12 Pennsylvanians as far as receiving appropriate care.
13 He stated contacting Acting Commissioner Claggett is
14 a direct conduit to the Governor's Office and the
15 legislature to get things done. He noted the Board
16 would try their best to resolve this issue.

17 Dr. Seda asked whether Dr. Meyr discussed this
18 issue with Dean Mattiacci or anybody else.

19 Dr. Meyr reached out to all of the program
20 directors in Pennsylvania, noting 50 percent replied
21 back and reported issues and delays.

22 Chair Greenberg informed Dr. Meyr that the Board
23 would start working on it immediately because it is a
24 serious problem that needs attention.]

25

1 Report of Board Counsel - Motion to Deem Facts

2 Admitted

3 [Eric B. Greenberg, D.P.M., J.D., Chairman, welcomed
4 Mr. Picarella to the State Board of Podiatry.]

5 MR. PICARELLA:

6 At item 5, the Board did discuss the
7 Motion to Deem Facts Admitted at Case No.
8 22-44-013588, Timothy Clay Abbott, D.P.M.

9 Based upon those discussions in
10 Executive Session, I believe the Board
11 Chair would entertain a motion to grant
12 the Motion to Deem Facts Admitted and
13 direct Board Counsel to prepare a Final
14 Adjudication and Order in the matter
15 consistent with discussions in Executive
16 Session.

17 CHAIRMAN GREENBERG:

18 May I have somebody make a motion?

19 DR. SEDA:

20 I make the motion.

21 DR. FETCHIK:

22 I second the motion.

23 CHAIRMAN GREENBERG:

24 Roll call vote.

25

1 Arion Claggett, aye; Eric Greenberg, aye;
2 Christopher Seda, aye; William Fetchik,
3 aye.

4 [The motion carried unanimously.]

5 ***

6 Applications for Licensure

7 MR. PICARELLA:

8 Item 10 is the Application for Nancy
9 Yaros to Reactivate her License.

10 Based upon discussions in Executive
11 Session, I believe the Board Chair would
12 entertain a motion to direct Board
13 Counsel to send a letter to the applicant
14 in accordance with discussions in
15 Executive Session.

16 CHAIRMAN GREENBERG:

17 Dr. Seda, do you want to make that
18 motion?

19 DR. SEDA:

20 I will make that motion.

21 DR. FETCHIK:

22 Second.

23 CHAIRMAN GREENBERG:

24 Roll call vote.

25

1 Arion Claggett, aye; Eric Greenberg, aye;
2 Christopher Seda, aye; William Fetchik,
3 aye.

4 [The motion carried unanimously.]

5 ***

6 Continuing Education Program Approval

7 MR. PICARELLA:

8 Item 11 on the agenda is the Continuing
9 Education Program for the Jefferson
10 Health Podiatry Residency Grand Rounds.

11 Based upon discussions in Executive
12 Session, I believe the Board Chair would
13 entertain a motion to Ratify the Approval
14 of the Jefferson Health Podiatry
15 Residency Grand Rounds Continuing
16 Education Program.

17 CHAIRMAN GREENBERG:

18 Dr. Seda, may I have a motion?

19 DR. SEDA:

20 I will make that motion.

21 DR. FETCHIK:

22 Second.

23 CHAIRMAN GREENBERG:

24 Roll call vote.

25

1 Arion Claggett, aye; Eric Greenberg, aye;
2 Christopher Seda, aye; William Fetchik,
3 aye.

4 [The motion carried unanimously.]

5 ***

6 Report of Board Counsel - Other

7 [Dean F. Picarella, Esquire, Senior Board Counsel,
8 addressed House Bill 1722 regarding a military
9 personnel pilot program being proposed in the
10 legislature.

11 Mr. Picarella explained the proposal would amend
12 Title 51 Military Affairs and would require the
13 Department of Health and Department of State to
14 consult with Military Affairs in order to establish a
15 pilot program to allow military medical personnel to
16 be delegated the performance of certain duties under
17 the supervision of a physician or a podiatrist.

18 Mr. Picarella informed Board members that House
19 Bill 1722 is in its early stages but would allow
20 military personnel to get experience toward licensure
21 or other duties in both medical and/or podiatry. He
22 noted the the bill is to help military personnel
23 adapt and get back into the workforce in Pennsylvania
24 as easily as possible.]

25 ***

1 Report of Board Counsel - Regulatory Status Report
2 [Thomas M. Davis, Esquire, Board Regulatory Counsel,
3 introduced himself and informed Board members that he
4 served as Board Counsel for several other boards over
5 the past five years but decided to move over to a
6 regulatory position. He mentioned that his chief
7 priority is to discuss and push regulations along for
8 nine boards.

9 Mr. Davis stated the Board currently has seven
10 active regulations. He referred to 16A-448 regarding
11 sexual misconduct, noting the Board approved the
12 annex and the preamble on July 12, 2023. He noted a
13 legal extern provided research concerning other
14 states for comparison, which is being incorporated
15 into the Regulatory Analysis Form (RAF). He noted it
16 would then be sent to the Office of General Counsel
17 (OGC) and Office of Attorney General for approval and
18 hopefully published around the earlier part of 2024.

19 Mr. Davis informed Board members that 16A-4412
20 regarding child abuse reporting requirements was
21 approved by the Office of General Counsel on
22 September 14 and sent to the Office of Attorney
23 General on October 10. He mentioned that the Office
24 of Attorney General would have until November 10 or
25 so to make comments and that it would be approved and

1 published in December if the Board does not receive
2 any comments.

3 Mr. Davis informed Board members that he made
4 some administrative and stylistic changes to 16A-4420
5 regarding radiologic procedures examination to take
6 care of some of the tweaks and stylistic changes the
7 Legislative Reference Bureau may have had and to
8 lessen the time for it to be published.

9 Mr. Davis addressed an issue that was not
10 administrative and referred to the language saying
11 that programs must be preapproved by the Board. He
12 explained that it would cause an issue with the
13 Office of Attorney General because the act itself
14 says programs must be approved by the Board.

15 Mr. Davis mentioned the sections that discuss
16 preapproved providers is fine, including the American
17 Society of Podiatric Medical Assistants (ASPMA) and
18 the American Registry of Radiographic Technologists
19 (ARRT). He also mentioned any programs that are
20 approved by the State Board of Medicine, State Board
21 of Osteopathic Medicine, or State Board of
22 Chiropractic is also fine.

23 Mr. Davis commented that the Board is tying their
24 hands with the preapproved language and explained
25 that another jurisdiction organization may have a

1 radiological examination that the Board does not know
2 exists or have listed and is not preapproved forcing
3 the individual to take another examination because
4 the Board would not have the ability to approve it.

5 Mr. Davis explained that changing the language
6 from preapproved to approved by a Board would allow
7 them to look at the examination and make the
8 determination as to whether or not the examination
9 meets their standards and is why he changed it from
10 preapproved to approved.]

11 MR. DAVIS:

12 Based on the Board's discussions in open
13 session, I believe the Chair would accept
14 a motion to allow reg counsel to
15 promulgate proposed rulemaking 16A-4420
16 Radiologic Procedures Examination as
17 presented to the Board this date through
18 the regulatory review process.

19 DR. SEDA:

20 So moved.

21 DR. FETCHIK:

22 Second.

23 CHAIRMAN GREENBERG:

24 Roll call vote.

25

1 Arion Claggett, aye; Eric Greenberg, aye;
2 Christopher Seda, aye; William Fetchik,
3 aye.

4 [The motion carried unanimously.]

5 ***

6 Report of Board Chair - No Report

7 ***

8 Report of Acting Commissioner

9 [Arion R. Claggett, Acting Commissioner, Bureau of
10 Professional and Occupational Affairs, informed Board
11 members that the request for proposal (RFP) for the
12 Pennsylvania Licensing System (PALS) replacement went
13 live on September 28, 2023.

14 Acting Commissioner Claggett also mentioned the
15 next Board meeting on December 20 is set to take
16 place in the new building.]

17 ***

18 Report of Board Administrator - No Report

19 ***

20 For the Board's Information/Discussion - Board
21 Meeting Dates

22 [Eric B. Greenberg, D.P.M., J.D., Chairman, noted the
23 2023, 2024, and 2025 meeting dates for the Board's
24 review.

25 Chair Greenberg reiterated something Dr. Weber

1 mentioned, where it was not uncommon for the December
2 Board meeting date to be dismissed to the next
3 meeting if there is nothing on the agenda.

4 Chair Greenberg stated Dr. Weber served on the
5 Board very well for many years and wanted the Board
6 to consider a proclamation thanking him for his
7 service to the residents of Pennsylvania.

8 Acting Commissioner Claggett informed Chair
9 Greenberg that it is already in the works.]

10 ***

11 Adjournment

12 CHAIRMAN GREENBERG:

13 May I have a motion to adjourn?

14 DR. SEDA:

15 Motion.

16 DR. FETCHIK:

17 Second.

18 CHAIRMAN GREENBERG:

19 The motion carries. Thank you.

20 ***

21 [There being no further business, the State Board of
22 Podiatry Meeting adjourned at 11:16 a.m.]

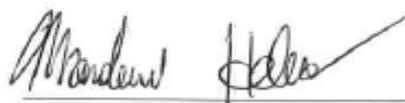
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CERTIFICATE

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.



Madeline Helmsetter,

Minute Clerk

Sargent's Court Reporting
Service, Inc.

STATE BOARD OF PODIATRY
REFERENCE INDEX

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TIME	AGENDA
9:30	Executive Session
10:30	Return to Open Session
10:36	Official Call to Order
10:37	Introduction of Board Members/Attendees
10:37	Approval of Minutes
10:39	Report of Prosecutors
10:45	Appointment - Andrew Meyr, D.P.M., FACFAS
10:59	Report of Board Counsel
11:02	Applications for Licensure
11:03	Continuing Education Program Approval
11:04	Report of Board Counsel (cont.)
11:06	Regulatory Counsel
11:13	Report of Acting Commissioner
11:14	For the Board's Information/Discussion
11:16	Adjournment