

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: 9:00 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

Monday, December 16, 2024

State Board of Podiatry
December 16, 2024

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, D.O.
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
Priscilla Turek, Board Administrator
Andrew LaFratte, MPA, Deputy Policy Director,
Department of State
Amanda Richards, Fiscal Supervisor, Bureau of Finance
and Procurement, Department of State
Marcedes Newby, Fiscal Management Specialist 1,
Bureau of Finance and Procurement, Department of
State

ALSO PRESENT:

Sally Kozak, MHA, RN, State Medicaid Director and
Deputy Secretary for the Office of Medical
Assistance Programs, Department of Human Services
Eve Lickers, Director of the Bureau of Policy,
Analysis, and Planning, Office of Medical
Assistance Programs, Department of Human Services
Mike Barth, Executive Director, Pennsylvania
Podiatric Medical Association
Jacob Hill, Sargent's Court Reporting Service, Inc.

State Board of Podiatry

December 16, 2024

[Pursuant to Section 708(a)(5) of the Sunshine Act, at 8:30 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 9:00 a.m.]

The regularly scheduled meeting of the State Board of Podiatry was held on Monday, December 16, 2024. Eric B. Greenberg, D.P.M., J.D., Chairman, called the meeting to order at 9:00 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 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 October 15, 2024 meeting

10 CHAIRMAN GREENBERG:

11 Now we move on to approval of minutes.

12 This is for those who have read the
13 minutes of the meeting that took place on
14 October 15. They are to give their
15 remarks, whether they approve or have
16 corrections concerning those minutes.

17 DR. HART:

18 Motion to approve.

19 CHAIRMAN GREENBERG:

20 Second?

21 DR. SEDA:

22 Second.

23 CHAIRMAN GREENBERG:

24 The approval of minutes has passed. Roll
25 call.

1

2

Arion Claggett, aye; Eric Greenberg, aye;

3

Christopher Seda, aye; William Fetchik,

4

aye; Edwin Hart, aye; Steven Shannon,

5

aye; Walker Kmetz, abstain.

6

[The motion carried. Walker Kmetz abstained from

7

voting on the motion.]

8

9

Appointment - Bureau of Finance and Procurement

10

Annual Budget Presentation

11

[Sally Kozak, MHA, RN, State Medicaid Director and

12

Deputy Secretary for the Office of Medical Assistance

13

Programs, Department of Human Services, presented to

14

the Board to discuss spending within the Medicaid

15

program for podiatry services.

16

Chair Greenberg requested Ms. Kozak also discuss

17

the status of podiatric medical services for the

18

Department of Public Welfare, whether it is mandatory

19

or not mandatory and exactly what that means. He

20

asked whether podiatric services is a mandatory

21

service for public assistance recipients in the state

22

of Pennsylvania or is it discretionary and decided at

23

each budget.

24

Ms. Kozak explained that podiatry services are a

25

benefit offered through the Medical Assistance

1 program and optional.

2 Chair Greenberg asked whether they are mandatory
3 in the same respect as medical and osteopathic
4 services and on the same standard, where they are not
5 subject to budgetary discretion that could be slashed
6 if there was a budgetary crisis.

7 Ms. Kozak further explained that they cover
8 podiatry services in Pennsylvania's Medical
9 Assistance program. She stated podiatry services are
10 not a mandatory set of services under federal
11 Medicaid.

12 Ms. Kozak mentioned that there are a core set of
13 services that states have to pay for and then there
14 is a set of optional services that states can opt to
15 pay for under the federal Medicaid program, noting
16 Pennsylvania has opted to pay for them. She stated
17 they are not mandated by the Pennsylvania
18 legislature, so there is not separate funding for
19 them and it is part of their general Medical
20 Assistance program.

21 Chair Greenberg expressed concern whether
22 podiatry during any budgetary crisis or year can be
23 stricken and eliminated from the Pennsylvania budget
24 for Medical Assistance and therefore having payment
25 for podiatric services withdrawn because of a

1 budgetary crisis. He asked whether that is possible
2 or something that cannot happen because it is on the
3 same standard and held the same way as medicine and
4 osteopathic services.

5 Ms. Kozak explained that podiatry services could
6 be stricken from a budget because it is an optional
7 service at the federal level. She referred to
8 Pennsylvania budget difficulties in the past, noting
9 podiatry services have not been a service that the
10 department has opted to not provide.

11 Chair Greenberg stated most of his colleagues are
12 not aware of that and asked whether it would be
13 appropriate to send out a notice to all podiatric
14 practitioners to make them aware that their service
15 is considered an optional service and is subject to
16 possibly being stricken in any given year, in which
17 case there would be no reimbursement for services.

18 Chair Greenberg expressed concern for podiatrists
19 treating patients with diabetic foot, open wounds,
20 and problems of that sort, which they are obligated
21 to continue treating despite getting paid or not.

22 Chair Greenberg requested the state or their
23 department send out notices informing podiatrists
24 that they are an optional service subject to
25 budgetary removal, and taking care of medical

1 assistance patients is a form of informed consent.
2 He also wanted podiatrists to be aware that coverage
3 can be eliminated at any time even though it is
4 highly unlikely and has not happened before, in which
5 case the patient will be responsible for payment.

6 Ms. Kozak commented that the services have always
7 been optional during the entire history of the state
8 Medicaid program, noting the information is publicly
9 available in their state plan, which is publicly
10 available on their website. She stated sending out a
11 notice would be unnecessarily stress inducing and
12 inflammatory when they have no intent to eliminate
13 podiatry services.

14 Ms. Kozak mentioned that notices would be sent
15 out advising people of the changes to the program if
16 they were no longer going to provide podiatry
17 services. She believed there was no need to send out
18 any type of notice to providers, because there have
19 not been any conversations anywhere about eliminating
20 podiatry services.

21 Chair Greenberg pointed out the fact that there
22 is no intent, and they really do not know from year
23 to year, where it is a form of a doctor giving a
24 surgical patient informed consent, telling them about
25 risks that are highly unlikely to ever occur, but yet

1 they still tell them.

2 Chair Greenberg commented that his colleagues do
3 not go through all of the legal and bureaucratic
4 language for each program and is why he is suggesting
5 the notice to make them aware of what they are
6 signing on to.

7 Chair Greenberg did not believe it would cause
8 unnecessary alarm and would create knowledge, so
9 podiatrists who are covering Medical Assistance
10 patients could identify local medical doctors (MDs)
11 and doctors of osteopathic medicine (DOs) who can
12 perform the services.

13 Chair Greenberg commented that if it is not
14 appropriate for their office to do, certainly various
15 podiatry organizations, such as the Pennsylvania
16 Podiatric Medical Association (PPMA), can send out
17 the same information, noting it is available right
18 now in the Board minutes.

19 Ms. Kozak stated the information is currently
20 publicly available on their website under State Plan
21 Services and clearly identifies services that are
22 mandatory versus optional, noting podiatry is not the
23 only optional service they provide. She explained
24 that they would have to go through a lengthy process,
25 including amending their state plan, before stopping

1 podiatric services, and podiatric services was not
2 one of the services considered for reduction during
3 other difficult budget years.

4 Chair Greenberg thanked Ms. Kozak for the
5 information, noting his request was not to infer or
6 suggest something is lurking in the background for
7 podiatry to be eliminated but purely informational.
8 He noted Ms. Kozak made it clear that it is not
9 mandatory and is now available to all of the
10 licensees through the meeting minutes.

11 Dr. Fetchik asked what other medical services,
12 along with podiatry, are considered optional.

13 Ms. Kozak noted pharmacy services, speech
14 therapy, physical therapy, and occupational therapy
15 are considered optional.

16 Eve Lickers, Director of the Bureau of Policy,
17 Analysis, and Planning, Office of Medical Assistance
18 Programs, Department of Human Services, also noted
19 ambulance services are optional, along with a host of
20 other services but certainly is not anything they
21 put forward on the table.

22 Chair Greenberg emphasized that he is not
23 suggesting anything is imminent or about to happen
24 for any of the optional services being cut but wanted
25 to note the importance of making licensees aware and

1 educated on their status as an optional service in
2 the program.

3 Dr. Fetchik asked whether any other optional
4 services have changed or been denied or not
5 recognized in the past.

6 Ms. Kozak explained that the only change made to
7 their benefits package has been the elimination of
8 some adult dental benefits back in 2011. She also
9 reported an exception process was put in place to
10 allow for those benefits that were eliminated to be
11 provided under some specific circumstances.

12 Mike Barth, Executive Director, Pennsylvania
13 Podiatric Medical Association, stated PPMA would be
14 happy to share the information and suggested framing
15 it to read, Ms. Kozak's office has confirmed during
16 the public meeting that this has always been optional
17 and is something that they do not anticipate going
18 away, confirming it to be something that will
19 continue to be covered into the future.

20 Ms. Kozak provided a link in chat explaining
21 mandatory and optional Medicaid benefits.

22 Ms. Kozak addressed data for calendar years 2023
23 and 2024, including all claims received through
24 September 30, 2024. She referred to the fee-for-
25 service program for 2023, noting they received claims

1 totaling 4,869 podiatry services that covered 1,588
2 recipients seen by 19 providers.

3 Ms. Kozak reported the amount the fee-for-service
4 paid was around \$85,699. She noted over 97% of the
5 people they serve are in managed care. She managed
6 care plans paid claims for 674,164 services for
7 110,889 people, which were provided by 674
8 podiatrists, totaling \$19,132,869.

9 Ms. Kozak addressed 2024, noting fee-for-service
10 paid for 10,362 services covering 3,253 people billed
11 by 29 providers for a total of \$97,736. She noted
12 managed care paid for 349,583 services covering
13 80,956 individuals provided by 321 providers for a
14 total of around \$10,056,081.

15 Ms. Kozak shared the top 10 surgeries and the top
16 10 evaluation and management codes billed for 2023
17 and 2024 and offered to provide the information,
18 along with the summary provided earlier, to Ms. Turek
19 for the Board's review.]

20 ***

21 Report of Prosecutors - No Report

22 ***

23 Report of Board Counsel - Regulatory Status Report

24 [Thomas M. Davis, Esquire, Board Regulatory Counsel,
25 had no formal report. He noted working on the Act 41

1 regulations with Attorney Keefer, and they will
2 continue moving them forward.]

3 ***

4 Report of Board Chair

5 [Eric B. Greenberg, D.P.M., J.D., Chairman, addressed
6 his attendance at a conference for podiatrists in
7 King of Prussia at Valley Forge in the fall. He
8 noted speaking with a number of young podiatrists who
9 were conflating different laws and regulations
10 concerning advertising.

11 Chair Greenberg mentioned clarifying that
12 advertising in Pennsylvania for podiatry is not
13 governed by the Medical Care Availability and
14 Reduction of Error (MCARE) Act. He explained that
15 the MCARE Act has to do with medical professional
16 liability and hospital patient safety and nothing to
17 do with advertisements or how they hold themselves
18 out. He further explained that advertising or how
19 podiatrists hold themselves out is not covered or is
20 not ruled by hospital bylaws.

21 Chair Greenberg stated advertisement is governed
22 by their statute under Title 59 of the Professional
23 Code, which gives the standard rules and how they
24 hold themselves out. He explained that a podiatrist
25 can advertise as a podiatric surgeon, and each

1 specialty must be prefaced by the fact that they are
2 a podiatrist and operating within the scope of
3 podiatry.

4 Chair Greenberg provided examples, and stated
5 podiatric physician and podiatric surgeon are
6 legitimate titles to use in advertising.

7 Chair Greenberg referred to the issues of being
8 able to write for home health care services and will
9 be addressed at another meeting by contacting the
10 Board of Nursing and asking them to include
11 podiatrists among the practitioners who can write for
12 their services, which can be taken care of that way.

13 Acting Commissioner Claggett commented that just
14 writing the Board of Nursing is not accurate.

15 Chair Greenberg referred to the Pennsylvania
16 political administrative process, noting they would
17 use the appropriate lawful legal way of contacting
18 other boards of other medical services if there is
19 any sort of current barrier for podiatrists to write
20 directly for them.

21 Chair Greenberg referred to the Chiropractic Act,
22 noting chiropractic physicians are not confusing the
23 public and are permitted, per their statute, to
24 describe themselves as a chiropractic physician. He
25 noted they are staying within their scope as with

1 podiatry. He noted podiatrists routinely write
2 prescriptions for medicine and do surgery and can
3 also call themselves a foot specialist, podiatrist,
4 or use any of those descriptive terms, and Dr. Seda
5 agreed.

6 Ms. Keefer noted Chair Greenberg read a number of
7 examples from § 29.31(f) and directed licensees to the
8 regulation to avoid confusion.

9 Chair Greenberg asked Dr. Fetchik, Dr. Shannon,
10 and Dr. Seda whether they agreed with his reading of
11 regulation § 29.31(f). Dr. Shannon and Dr. Seda
12 agreed.

13 Dr. Fetchik asked whether the designation and how
14 to advertise a podiatric practice affects the status
15 of podiatry being an optional service.

16 Chair Greenberg explained that it has nothing to
17 do with it.]

18 ***

19 Report of Acting Commissioner - No Report

20 ***

21 Report of Board Administrator - No Report

22 [Priscilla Turek, Board Administrator, wished
23 everyone a happy holiday season.

24 Chair Greenberg also wished Ms. Turek the same.]

25 ***

1 Continuing Education Program Approval

2 CHAIRMAN GREENBERG:

3 Dr. Seda, were you doing the Continuing
4 Education Committee? Did you look at the
5 Jefferson Health Northeast Podiatry Grand
6 Rounds? Was that okay with you?

7 DR. SEDA:

8 Yeah, I approved it.

9 DR. HART:

10 Motion to approve.

11 DR. SEDA:

12 Second.

13 CHAIRMAN GREENBERG:

14 Let's have a roll call on that.

15

16 Arion Claggett, aye; Eric Greenberg, aye;
17 Christopher Seda, aye; William Fetchik,
18 aye; Edwin Hart, aye; Steven Shannon,
19 aye; Walker Kmetz, aye.

20 [The motion carried unanimously.]

21 ***

22 For the Board's Information/Discussion - Board

23 Meeting Dates

24 [Eric B. Greenberg, D.P.M., J.D., Chairman, noted the
25 Board discussed the upcoming meeting dates and

1 decided on the 2026 meeting dates.]

2 MS. KEEFER:

3 I believe the Chairman would entertain a
4 motion to make our 2026 meeting dates
5 February 18, April 15, June 17, August
6 19, October 28, and December 16.

7 CHAIRMAN GREENBERG:

8 Do I have a motion to accept that?

9 DR. SEDA:

10 Motion to accept.

11 DR. HART:

12 Second.

13 CHAIRMAN GREENBERG:

14 Roll call.

15

16 Arion Claggett, aye; Eric Greenberg, aye;
17 Christopher Seda, aye; William Fetchik,
18 aye; Edwin Hart, aye; Steven Shannon,
19 aye; Walker Kmetz, aye.

20 [The motion carried unanimously.]

21 ***

22 For the Board's Information/Discussion - Old/New

23 Business - Annual Election of Officers

24 MS. KEEFER:

25 Is there a nominee for Chair?

1 DR. SEDA:

2 I nominate Eric Greenberg.

3 CHAIRMAN GREENBERG:

4 I accept that nomination.

5 DR. HART:

6 I'll second that nomination.

7 MS. KEEFER:

8 Roll call.

9

10 Arion Claggett, aye; Eric Greenberg, aye;
11 Christopher Seda, aye; William Fetchik,
12 aye; Edwin Hart, aye; Steven Shannon,
13 aye; Walker Kmetz, aye.

14 [The motion carried unanimously.]

15 ***

16 MS. KEEFER:

17 Is there a nominee for Vice Chair?

18 CHAIRMAN GREENBERG:

19 I nominate Dr. Seda for Vice Chair. Do I
20 have a second?

21 DR. HART:

22 Second.

23 CHAIRMAN GREENBERG:

24 Roll call.

25

1 Arion Claggett, aye; Eric Greenberg, aye;
2 Christopher Seda, aye; William Fetchik,
3 aye; Edwin Hart, aye; Steven Shannon,
4 aye; Walker Kmetz, aye.

5 [The motion carried unanimously.]

6 ***

7 CHAIRMAN GREENBERG:

8 I nominate Dr. Shannon for Secretary. Do
9 you accept that?

10 DR. SHANNON:

11 I accept.

12 CHAIRMAN GREENBERG:

13 Second?

14 MR. KMETZ:

15 Second.

16 CHAIRMAN GREENBERG:

17 Roll call.

18

19 Arion Claggett, aye; Eric Greenberg, aye;
20 Christopher Seda, aye; William Fetchik,
21 aye; Edwin Hart, aye; Steven Shannon,
22 aye; Walker Kmetz, aye.

23 [The motion carried unanimously.]

24 ***

25 For the Board's Information/Discussion - Old/New

1 Business - Review of Committees

2 [Eric B. Greenberg, D.P.M., J.D., Chairman, noted
3 being satisfied with the members on the committees as
4 it stands to go forward.]

5 ***

6 Appointment - Bureau of Finance and Procurement

7 Annual Budget Presentation

8 [Marcedes Newby, Fiscal Management Specialist, Bureau
9 of Finance and Procurement, Department of State,
10 presented the Annual Financial Report. She referred
11 to the license population from FY18-19 to FY24-25,
12 noting a current licensee count of 1,520. She
13 referred to licensee class, noting a previous
14 biennial period averaged 1,500 licensees with the
15 current biennial period averaging 1,470 licensees,
16 leading to a 2.4% decrease between the two periods.

17 Ms. Newby discussed licensure class and renewal
18 fees. She noted the renewal fee is \$395 and is due
19 in December of even years. She reported the last
20 Board fee increase was in 2002.

21 Ms. Newby addressed revenue on a biennial basis,
22 noting 97.2% of revenue is from renewals and
23 applications. She reported on the revenue for FY22-
24 23 and FY23-24, as well as the total revenue.

25 Ms. Newby provided an overview of expenses,

1 noting expenses occur through direct charges,
2 timesheet-based charges, and licensee population.
3 She noted the previous biennial period expenses and
4 the current biennial period.

5 Ms. Newby explained that the increase was due to
6 the Pennsylvania Licensing System (PALS), upgrade to
7 the legal information technology (IT) system, and the
8 move of the legal staff from Penn Center to a new
9 location.

10 Ms. Newby provided an overview of expenses and
11 revenue, noting the Board's starting balance, but
12 expenses were already exceeding revenue in the prior
13 biennial period. She reported expenses are exceeding
14 revenue and now affecting the restricted funds. She
15 recommended a fee increase and offered to present a
16 fee increase package in the spring to discuss
17 increasing the Board's revenue.

18 Chair Greenberg requested Ms. Newby go over the
19 information, especially the Board's two biggest
20 expenses.

21 Ms. Newby explained that the Board has been in
22 the red since FY22-23. She reported the increase in
23 expenses is due to the Pennsylvania Licensing System,
24 upgrade to the legal IT system, and the move of the
25 legal staff. She noted the move of legal staff was a

1 one-time cost but maintenance expenses are
2 reoccurring.

3 Dr. Seda asked why the deficits going forward are
4 increasing significantly.

5 Amanda Richards, Fiscal Supervisor, Bureau of
6 Finance and Procurement, Department of State,
7 explained that the Board is going into the red is
8 because of the increase in cost for PALS. She
9 mentioned that there is a one-time cost but also
10 going to be continuing costs, which is increasing
11 their expenses into the out years for the maintenance
12 of the system. She also noted the cost for the new
13 legal system was built into the budget because all of
14 the boards need to pick up a piece of that cost.

15 Dr. Seda requested information regarding a plan
16 to overcome that in the future.

17 Ms. Richards explained that the Board will need a
18 fee increase.

19 Chair Greenberg asked whether the expenses are
20 strictly limited to the Podiatry Board's expenses or
21 an accumulation of sharing all of the boards. He
22 mentioned that he is trying to avoid the Podiatry
23 Board unfairly assuming a burden of expenses brought
24 on by other more active boards that require more
25 expense and coverage. He asked whether it is based

1 on the revenue that the Podiatry Board brings in as
2 well as the expenses limited to those expenses
3 produced by the Podiatry Board.

4 Ms. Richards explained that the Podiatry Board is
5 a standalone Board and no other boards, like
6 expenses, would be contributing to anything that has
7 to do with the Podiatry Board. She further explained
8 that PALS has been broken down by license population,
9 so all boards are picking up a piece of that cost
10 based on their license population.

11 Dr. Shannon asked whether FY22-23 and FY23-24 is
12 the first year the Podiatry Board has been in the
13 red.

14 Ms. Newby noted the presentation only goes back
15 to FY23-24 but offered to provide information
16 concerning previous years.

17 Dr. Hart commented that their projections on the
18 of biennial renewals is steady and believed that
19 their specialty is aging, where they may see a lower
20 number of biennial renewals as time goes on. He
21 mentioned that it would have an impact, because 92%
22 of the revenue is coming from the sale of licenses.
23 He expressed concern with the decline of individuals
24 in this specialty over time.

25 Chair Greenberg agreed, noting it to be a clear

1 observation of the aging of their colleagues from
2 Pennsylvania. He requested confirmation that all of
3 the numbers are adjustable as needed and the numbers
4 going forward are estimates, and Acting Commissioner
5 Claggett confirmed they are estimates.]

6 ***

7 Adjournment

8 CHAIRMAN GREENBERG:

9 The December State Board meeting is now
10 concluded.

11 DR. SEDA:

12 So moved.

13 DR. HART:

14 Second.

15 ***

16 [There being no further business, the State Board of
17 Podiatry Meeting adjourned at 9:54 a.m.]

18 ***

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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.



Jacob Hill,

Minute Clerk

Sargent's Court Reporting
Service, Inc.

STATE BOARD OF PODIATRY
REFERENCE INDEX

December 16, 2024

TIME	AGENDA
8:30	Executive Session
9:00	Return to Open Session
9:00	Official Call to Order
9:01	Introduction of Board Members/Attendees
9:03	Approval of Minutes
9:04	Appointment - Sally Kozak, MHA, RN, State Medicaid Director and Deputy Secretary Office of Medical Assistance Programs Presentation
9:27	Report of Board Counsel
9:30	Report of Board Chair
9:40	Continuing Education Program Approval
9:41	For the Board's Information/Discussion
9:44	Appointment - Annual Budget Presentation
9:54	Adjournment