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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: 10:41 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

Thursday, June 20, 2024

State Board of Podiatry
June 20, 2024

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BOARD MEMBERS:

Arion R. Claggett, Acting Commissioner, Bureau of Professional and Occupational Affairs - Absent
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:

Dean F. Picarella, Esquire, Board Counsel
Timothy J. Henderson, Esquire, Board Prosecution Liaison
Ashley Keefer, Esquire, Board Prosecutor
Priscilla Turek, Board Administrator
Nichole Wray, Division Chief of the State Boards of Medicine, Osteopathic Medicine, and Podiatry
Andrew LaFratte, MPA, Deputy Policy Director, Department of State

ALSO PRESENT:

Mike Barth, Executive Director, Pennsylvania Podiatric Medical Association
Rachel Wilbur-Adams, Sargent's Court Reporting Service, Inc.

1 ***

2 State Board of Podiatry

3 June 20, 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 [Dean F. Picarella, Esquire, Board Counsel, noted the
15 meeting was being recorded and voluntary
16 participation constituted consent to be recorded.

17 Mr. Picarella also noted the Board entered into
18 Executive Session for the purpose of conducting
19 quasi-judicial deliberations on a number of matters
20 that are currently pending before the Board and to
21 receive the advice of counsel.]

22 ***

23 The regularly scheduled meeting of the State
24 Board of Podiatry was held on Thursday, June 20,
25 2024. Eric B. Greenberg, D.P.M., J.D., Chairman,

1 called the meeting to order at 10:41 a.m.

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 New Board members introduced themselves and
8 provided a brief summary of their professional
9 background.

10 Chair Greenberg welcomed new Board members. A
11 quorum of Board members was present.]

12 ***

13 Approval of minutes of the April 17, 2024 meeting

14 CHAIRMAN GREENBERG:

15 Approval of the minutes from the April
16 17, 2024 meeting.

17 May I have a motion to approve?

18 DR. SEDA:

19 Motion to approve.

20 DR. FETCHIK:

21 Second.

22 CHAIRMAN GREENBERG:

23 Roll call.

24

25 Eric Greenberg, aye; Christopher Seda,

1 had mandatory continuing education, one probation,
2 two open cases where reinstatements were granted, one
3 revocation, four suspensions, and three voluntary
4 surrenders. He reported cases were closed with no
5 discipline, including no violation, prosecution not
6 warranted, four withdrawn complaints, one violation
7 corrected, and two licenses reinstated.

8 Chair Greenberg referred to prosecution not
9 warranted, noting it to be interesting that the fact
10 that the case is open does not mean that it is the
11 end.

12 Mr. Picarella explained that all open cases are
13 investigated if there is an investigatory component.
14 He noted six warning letters were sent due to a de
15 minimis infractions. He also mentioned the numbers
16 to be consistent with all boards as far as the
17 percentage.]

18 ***

19 Report of Board Counsel - Other - Pennsylvania

20 Sunshine Act

21 Dean F. Picarella, Esquire, Board Counsel,

22 Presentation

23 [Dean F. Picarella, Esquire, Board Counsel, provided
24 a presentation on the Pennsylvania Sunshine Act and
25 Recusal Guidelines. He stated the purpose of the

1 Pennsylvania Sunshine Act is the right of the public
2 to be present at all meetings of agencies and to
3 witness deliberations, policy, formulation, and
4 decision-making.

5 Mr. Picarella explained that meetings must be
6 open to the public when deliberations or official
7 action takes place. He provided an overview of an
8 executive session and official action.

9 Mr. Picarella addressed public notice, where an
10 agency shall give public notice of its first regular
11 meeting of each calendar year, not less than three
12 days in advance of the meeting, and shall give public
13 notice of the schedule of the remaining regular
14 meetings.

15 Mr. Picarella discussed special meetings, where
16 an agency shall give public notice of each special
17 meeting at least 24 hours in advance. He noted
18 public notice is not required in the case of an
19 emergency meeting or a conference but must be posted
20 afterwards. He stated public notice includes the
21 place, date, and time of the meeting in a newspaper
22 of general circulation in a political subdivision of
23 where the meeting is being held and posted at the
24 principal offices of the agency holding the meeting
25 or public building in which the meeting is being

1 held. He also mentioned that a notice is sent to
2 interested parties via email.

3 Chair Greenberg requested Ms. Wray send Board
4 members a list of the stakeholders.

5 Mr. Picarella addressed the recording of votes
6 and requirement of minutes for all open meetings. He
7 mentioned that the only applicable exceptions to open
8 meeting requirements are executive sessions and
9 conferences, noting agency business may not occur at
10 a conference. He explained that an executive session
11 may be held to discuss personnel issues, consulting
12 with an attorney or professional advisor, and
13 reviewing and discussing agency business that would
14 violate a lawful privilege or lead to disclosure of
15 information or confidentiality protected by law.

16 Mr. Picarella further explained that official
17 actions on matters discussed in executive session
18 shall be taken at the open meeting.

19 Mr. Picarella addressed legal challenges, noting
20 anyone can challenge a meeting based on a violation
21 of the Sunshine Act but must be filed within 30 days
22 of the date of the meeting or discovery of any action
23 in which the Sunshine Act was violated. He also
24 discussed penalties for violating the Sunshine Act.

25 Mr. Picarella stated all Board business,

1 deliberations, and official action should be
2 conducted in open meetings, and Board members should
3 not discuss agency business, especially executive
4 session matters, outside of an official Board
5 meeting.

6 Mr. Picarella noted regulations, policies, etc.,
7 delegated to a committee, should take place in an
8 open meeting with appropriate public notice. He
9 mentioned that administrative functions,
10 prosecutorial functions, and reviewing applications
11 are not subject to open meeting requirements.

12 Mr. Picarella addressed mandatory recusals, where
13 a Board member may have a prosecutorial role or
14 direct personal or financial interest in the outcome
15 of the matter. He provided an overview of the
16 Probable Causing Screening Committee.

17 Mr. Picarella addressed strongly suggested
18 recusals, where a Board member has a personal
19 affection or outside knowledge and cannot make a fair
20 and unbiased determination.

21 Mr. Picarella noted that discretionary recusals
22 are when a Board member cannot hear and dispose of
23 the case or participate in a decision on a subject
24 fairly and without prejudice. He encouraged Board
25 members who are uncertain whether to recuse

1 themselves to discuss the matter with Board Counsel.

2 Mr. Picarella addressed abstention, noting
3 abstention means someone is withholding their vote
4 but does not affect quorum requirements. He noted
5 the Board member is unable to vote at all with
6 recusal and can affect the quorum requirement.]

7 ***

8 Report of Board Chair - No Report

9 [Eric B. Greenberg, D.P.M., J.D., Chairman, informed
10 Board members of the passing of two valuable
11 podiatrists, Dr. William Dunleavy and Dr. Vincent
12 Muscarella, who submitted applications to serve on
13 the Board.]

14 ***

15 Report of Acting Commissioner - No Report

16 ***

17 Report of Board Administrator - No Report

18 [Priscilla Turek, Board Administrator, welcomed new
19 Board members.]

20 ***

21 Continuing Education Program Approval

22 MR. PICARELLA:

23 Item 6, Jefferson Health Northeast
24 Podiatry Grand Rounds, was discussed in
25 Executive Session.

1 Based upon discussions in Executive
2 Session, I believe the Board Chair would
3 entertain a motion to provisionally deny
4 the CE Application of Jefferson Health
5 Northeast Podiatry Grand Rounds and
6 direct Board Counsel to draft a letter to
7 the Applicant in accordance with
8 discussions in Executive Session.

9 CHAIRMAN GREENBERG:

10 May I have a motion to provisionally
11 deny?

12 DR. SEDA:

13 Motion to provisionally deny.

14 CHAIRMAN GREENBERG:

15 Do I have a second?

16 DR. FETCHIK:

17 Second.

18 CHAIRMAN GREENBERG:

19 Could I have a roll call vote?

20
21 Eric Greenberg, agree to provisionally
22 deny; Christopher Seda, agree; William
23 Fetchik, I'm voting no; Edwin Hart,
24 agree; Steven Shannon, agree; Walker
25 Kmetz, provisionally deny.

1 [The motion carried. William Fetchik opposed the
2 motion.]

3

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

6 [Eric B. Greenberg, D.P.M., J.D., Chairman, noted the
7 remaining 2024 Board meeting dates are August 21,
8 October 15, and December 16. He also noted the 2025
9 Board meeting dates are February 19, April 23, June
10 18, August 20, October 22, and December 17.]

11

12 Public Comment

13 [Andrew LaFratte, MPA, Deputy Policy Director,
14 Department of State, noted prior Board discussion
15 regarding podiatry issues with Medicaid and the
16 Department of Human Services (DHS). He informed
17 Board members of his work with Ms. Turek to have a
18 representative from the long-term care and Medicaid
19 programs from the Department of Human Services speak
20 at an upcoming meeting, possibly the August 21, 2024
21 Board meeting.

22 Mike Barth, Executive Director, Pennsylvania
23 Podiatric Medical Association, wished everyone a
24 happy and enjoyable summer.]

25

1 Adjournment

2 CHAIRMAN GREENBERG:

3 May I have a motion to adjourn the
4 meeting?

5 DR. SEDA:

6 Motion to adjourn the meeting.

7 CHAIRMAN GREENBERG:

8 Second?

9 DR. FETCHIK:

10 Second.

11 CHAIRMAN GREENBERG:

12 Thank you.

13 ***

14 [There being no further business, the State Board of
15 Podiatry Meeting adjourned at 11:23 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.



Rachel Wilbur-Adams,

Minute Clerk

Sargent's Court Reporting
Service, Inc.

STATE BOARD OF PODIATRY
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TIME	AGENDA
10:00	Executive Session
10:30	Return to Open Session
10:41	Official Call to Order
10:41	Introduction of Board Members/Attendees
10:42	Approval of Minutes
10:44	Report of Prosecutors
10:49	Report of Board Counsel
11:18	Continuing Education Program Approval
11:20	For the Board's Information/Discussion
11:20	Public Comment
11:23	Adjournment