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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

Tuesday, October 15, 2024

State Board of Podiatry
October 15, 2024

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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 - Absent

BUREAU PERSONNEL:

Dana M. Wucinski, Esquire, Acting Senior Board Counsel
Ashley D. Keefer, Esquire, Board Counsel
Dean F. Picarella, Esquire, Board Counsel
Michael P. Merten, Esquire, Board Counsel
Thomas M. Davis, Esquire, Regulatory Board Counsel
Paul J. Jarabeck, Esquire, Senior Board Prosecutor
Priscilla Turek, Board Administrator
Andrew LaFratte, MPA, Deputy Policy Director, Department of State

ALSO PRESENT:

Mike Barth, Executive Director, Pennsylvania Podiatric Medical Association
Heather Wilson, MSW, CFRE, Executive Director, Physicians' Health Program, Foundation of the Pennsylvania Medical Society
Rachel Wilbur-Adams, Sargent's Court Reporting Service, Inc.

1 ***

2 State Board of Podiatry

3 October 15, 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 Ashley D. Keefer, 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 Thursday, October 15,
16 2024. Eric B. Greenberg, D.P.M., J.D., Chairman,
17 called the meeting to order at 10:35 a.m.

18 ***

19 Introduction of Board Members/Attendees
20 [Priscilla Turek, Board Administrator, provided an
21 introduction of the Board members, staff, and
22 audience in attendance. A quorum of Board members
23 was present.]

24 ***

25 [Ashley D. Keefer, Esquire, Board Counsel, noted the

1 meeting was being recorded and voluntary
2 participation constituted consent to be recorded.

3 Ms. Keefer also noted the Board entered into
4 Executive Session for the purpose of conducting
5 quasi-judicial deliberations on a number of matters
6 that are currently pending before the Board and to
7 receive the advice of counsel.

8 Chairman Greenberg welcomed Ashley Keefer to the
9 State Board of Podiatry and also thanked Mr.
10 Picarella for his service to the Board.]

11 ***

12 Approval of minutes of the June 20, 2024 meeting

13 CHAIRMAN GREENBERG:

14 Approval of the minutes for the June 20,
15 2024 meeting.

16 May I have a motion to accept those
17 minutes?

18 DR. HART:

19 So moved.

20 DR. SEDA:

21 Second.

22 CHAIRMAN GREENBERG:

23 Could we have a vote?

24

25 Arion Claggett, abstain; Eric Greenberg,

1 aye; Christopher Seda, accept; William
2 Fetchik, aye; Edwin Hart, aye; Steven
3 Shannon, accept.

4 [The motion carried. Arion Claggett abstained from
5 voting on the motion.]

6 ***

7 Report of Prosecutors

8 [Paul J. Jarabeck, Esquire, Senior Board Prosecutor,
9 on behalf of Timothy J. Henderson, Esquire, Board
10 Prosecution Liaison, noted Mr. Henderson conducted a
11 lecture at the Temple University School of Podiatric
12 Medicine providing third-year podiatry students an
13 overview of the investigative and prosecutorial
14 process of their office, as well as common complaints
15 received regarding podiatrists and the discipline
16 that may be imposed on a podiatrist through either
17 the law or regulations.

18 Mr. Jarabeck mentioned that Chair Greenberg was
19 also present, and they were able to provide
20 information on the possibility of discipline and how
21 to avoid discipline to future podiatrists.]

22 ***

23 Applications for Licensure

24 MS. KEEFER:

25 We have two things before the Board. One

1 is the Application matter of Dr. Alan
2 Kidon. I believe, based on the
3 discussions in Executive Session, that
4 the Board would entertain a motion to
5 grant the Application of Dr. Alan Kidon.

6 CHAIRMAN GREENBERG:

7 May I have a motion to accept the
8 Application of Dr. Kidon?

9 DR. FETCHIK:

10 So moved.

11 CHAIRMAN GREENBERG:

12 May I have a second?

13 DR. HART:

14 Second.

15 CHAIRMAN GREENBERG:

16 Let's have a vote on that.

17

18 Arion Claggett, aye; Eric Greenberg,
19 approve; Christopher Seda, approve;
20 William Fetchik, aye; Edwin Hart,
21 approve; Steven Shannon, approve.

22 [The motion carried unanimously.]

23

24 Continuing Education Program Approval

25 MS. KEEFER:

1 Number 5 on the agenda is the CE
2 Application of Jefferson Health Northeast
3 Podiatry Grand Rounds for October 24,
4 2024.

5 Based upon the discussion in
6 Executive Session, I believe the Board
7 Chair would entertain a motion to approve
8 this Application.

9 CHAIRMAN GREENBERG:

10 May I have a motion to approve?

11 DR. HART:

12 Motion to approve.

13 DR. SEDA:

14 Second.

15 CHAIRMAN GREENBERG:

16 Roll call.

17
18 Arion Claggett, aye; Eric Greenberg,
19 approve; Christopher Seda, approve;
20 William Fetchik, approve; Edwin Hart,
21 approve; Steven Shannon, approve.

22 [The motion carried unanimously.]

23 ***

24 Report of Board Counsel - Regulatory Status Report

25 [Thomas M. Davis, Esquire, Board Regulatory Counsel,

1 provided a Status of Regulations Report prior to the
2 meeting for the Board's review. He informed Board
3 members that the child abuse rulemaking at 16A-4412
4 was published as final in the *Pennsylvania Bulletin*
5 on October 5, 2024, and encouraged Board members to
6 take a look at that under 54 Pa.B. 6250.

7 Mr. Davis addressed 16A-4420 regarding the
8 performance of radiologic procedures by auxiliary
9 personnel. He noted the regulation was before the
10 Board about a year ago, and he made proposed
11 amendments but received suggestions after an internal
12 review.

13 Mr. Davis mentioned that there was not really any
14 difference substantively between this version
15 compared to the version from a year ago but did point
16 out one substantive difference in § 29.82, auxiliary
17 personnel performing radiologic procedures, where it
18 refers to the required examinations. He noted
19 simplifying the language by saying the exam would be
20 acceptable if it was provided by the American
21 Registry of Radiographic Technologists (ARRT) or
22 approved by the American Society of Podiatric Medical
23 Assistants (ASPMA), approved by the Board of
24 Medicine, and approved by the Board of Chiropractic,
25 etc.

1 Mr. Davis noted suggesting some modifying
2 language be removed at that time but now agreed that
3 the the modifying language should stay after
4 conducting research, where several exams are
5 available through ARRT that would probably not be on
6 point for this Board and is why they have the
7 modifying language in the first place.

8 Mr. Davis reported allowing the modifying
9 language to stay in the newer version, along with
10 changes highlighted referring to amendments made to
11 confirm to the *Pennsylvania Code & Pennsylvania*
12 *Bulletin Style Manual*, where he wrote conducted or
13 approved by any of the following in § 29.82(a), noting
14 it is just a language issue.

15 Mr. Davis also noted adding definitions that were
16 already in the regulations to make it easier to read
17 and requested a vote from Board members to approve
18 the changes.

19 Chair Greenberg asked whether Mr. Davis could
20 provide the version as he described because not all
21 of the Board members have seen that version.

22 Mr. Davis noted it was sent to the Board
23 administrator. Ms. Turek provided a screen view of
24 the annex.

25 Mr. Davis provided an overview of the annex

1 starting on page 1, where the only changes would be
2 the addition of those definitions, the direct
3 supervision, ionizing radiation, etc., which are
4 directly from their current regulations, where it is
5 a change in the document but not a change to the
6 regulation.

7 Mr. Davis noted the only changes on page 2 from
8 last year to this year are some of the changes in the
9 language of § 29.82(a), where he changed it to
10 conducted or approved by any of the following,
11 whereas before it was approved by one of the
12 following.

13 Mr. Davis stated that not very much changed on
14 page 3, noting he added the word provider where it
15 previously had administrator and is only a change to
16 make it the same as the rest of the regulation.]

17 MR. DAVIS:

18 Based on the Board's discussions in open
19 session, I believe the Chair would accept
20 a motion to allow reg counsel to
21 promulgate proposed rulemaking 16A-4420,
22 radiologic procedures examination, as
23 presented to the Board this date through
24 the regulatory review process.

25 CHAIRMAN GREENBERG:

1 Do I have a motion to accept what Mr.
2 Davis just relayed to the Board?

3 DR. FETCHIK:

4 So moved.

5 DR. SHANNON:

6 Second.

7 CHAIRMAN GREENBERG:

8 May we have a 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.

14 [The motion carried unanimously.]

15 ***

16 Report of Board Chair - No Report

17 ***

18 Report of Acting Commissioner

19 [Arion R. Claggett, Acting Commissioner, Bureau of
20 Professional and Occupational, informed Board members
21 that a vendor was selected for replacement of the
22 Pennsylvania Licensing System (PALS), and System
23 Automation will be implemented around the end of
24 2025.

25 Acting Commissioner Claggett also informed Board

1 members that the Department of Human Services (DHS)
2 will be available to provide a presentation for the
3 next meeting on December 16, 2024, at 9 a.m. to 10
4 a.m. or 1 p.m. to 2 p.m. Board members agreed to
5 have the presentation from 9 a.m. to 10 a.m.

6 Chair Greenberg stated that the Board would be
7 addressing the issue of the ancillary status of
8 podiatric medicine as it currently stands and why it
9 should not be permanent.]

10 ***

11 Report of Board Administrator - No Report

12 ***

13 For the Board's Information/Discussion - Board
14 Meeting Dates

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

20 ***

21 Adjournment

22 CHAIRMAN GREENBERG:

23 May I have a motion for adjournment?

24 DR. HART:

25 So moved.

1 DR. FETCHIK:

2 Second.

3 ***

4 [There being no further business, the State Board of
5 Podiatry Meeting adjourned at 10:55 a.m.]

6 ***

7

8 CERTIFICATE

9

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

15

16

17

18

Rachel Wilbur-Adams,

19

Minute Clerk

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Sargent's Court Reporting

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Service, Inc.

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STATE BOARD OF PODIATRY
REFERENCE INDEX

October 15, 2024

1
2
3
4
5
6
7
8
9
10
11
12
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14
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16
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18
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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
10:37	Approval of Minutes
10:38	Report of Prosecutors
10:42	Applications for Licensure
10:42	Continuing Education Program Approval
10:43	Report of Board Counsel
10:52	Report of Acting Commissioner
10:54	For the Board's Information/Discussion
10:55	Adjournment