



STATE OF WASHINGTON
DEPARTMENT OF HEALTH

**Podiatric Medical Board
Meeting Minutes**

July 14, 2022
9:00 a.m.

On Thursday, July 14, 2022, the Podiatric Medical Board held a business meeting via Webinar. In accordance with the Open Public Meetings Act, notices were sent to individuals requesting notification of meetings.

BOARD MEMBERS:

Randy Anderson, DPM, Chair
DJ Wardle, DPM, Vice Chair
Jacqueline Buckley, DPM
Zarko Kajgana, DPM (absent)
Lotchie Kerch, DPM, Secretary
Civillia Winslow Hill, Public Member
Deborah Wright, Public Member

GUEST SPEAKER:

None

STAFF PRESENT:

Susan Gragg, Program Manager
Megan Maxey, Acting Executive Director
Davis Hylkema, Assistant Program Manager
Joan Simmons, Board Support
Noelle Chung, Assistant Attorney General
Heather Cantrell, Policy Analyst
Dan Frank, Management Analyst
Bill Kellington, Supervising Staff Attorney

OTHERS PRESENT:

David Gent, DPM
Brennan Menninger, DPM
Lynn Kovacevich Renne, DPM – WSPMA
Gail McGaffick, JD – WSPMA

1. **Call to Order/Introductions**

Chair Randy Anderson, DPM, called the meeting of the Washington State Podiatric Medical Board to order at 9:02 a.m. on July 14, 2022. The board made the following actions for these agenda items:

1.1 Introductions

The board members, staff, and guests introduced themselves.

1.2 Open Public Comment

There were no public comments.

1.3 Engrossed Substitute House Bill 1329 (ESHB 1320), Relating to Public Meeting Accessibility and Participation.

The board considered the issue of in-person versus virtual meetings as it relates to the provisions in ESHP 1329.

Ms. Gragg shared ESHB 1329 made changes to the Open Public Meeting Act (OPMA) regarding provisions that need to be followed.

Ms. Chung explained the new amendment to the Open Public Meetings Act that went into effect July 2022. In accordance with the changes, she informed the board that an action by motion and vote is needed for today's meeting to be held virtually if the board determines that it cannot meet with reasonable safety during the declared state of emergency. She added any subsequent meetings would need to be done in the same manner as this. Ms. Gragg shared that the board also has the option of holding hybrid meetings that combine in-person and virtual options.

MOTION: A motion was made to hold two in-person/hybrid meetings in the spring and fall and two virtual meetings during the summer and winter. The motion was seconded and approved.

MOTION: A motion was made to continue with the July 14, 2022 virtual meeting as the Board has determined it is not able to meet in person with reasonable safety to meet in a physical location due to the current state of emergency. The motion was seconded and approved.

1.4 Approval of Agenda

MOTION: A motion was made to approve the July 14, 2022, business meeting agenda. The motion was seconded and approved.

1.5 Approval of April 21, 2022 meeting minutes

MOTION: A motion was made to approve the April 21, 2022 business meeting minutes with the amended verbiage for item 3.5. The motion was seconded and approved.

2. **Old Business**

2.1 Continuing Medical Education (CME) Rule Project Update

Ms. Gragg reported on the status of the CME rule project and requested a minimum of four members commit to volunteer for the rule adoption hearing scheduled for August 11, 2022 at 1:00 pm. Drs. Wardle, Kerch and Public Members Wright and Winslow Hill confirmed their commitment and Drs. Anderson, Buckley, and Kajgana indicated they would also volunteer pending their practice schedules.

3. **New Business**

3.1 COVID-19 follow-up

Ms. Gragg suggested the board extend the policy statement PO 20-51 regarding CME through December 31, 2022. This would allow licensees to continue with the policy provisions until the proposed rule amendments go into effect.

MOTION: A motion was made to extend Policy Statement PO 20-51 through December 31, 2022. The motion was seconded and approved.

3.2 Recent Washington Medical Commission (WMC) rule changes about patient exclusions concerning opioid prescribing

The board reviewed a report on the recent WMC rule adoption that amended WAC 246-919-851 and 246-918-801. The adopted amendments expand the facility types to which the opioid prescribing rule provisions do not apply. The board discussed whether mirroring these amendments for the Podiatric Medical Board rules would be appropriate.

Ms. McGaffick shared that the language in the board's rule, WAC 246-922-661, only identifies four exclusions in total. She stated that since the term "hospital" is not defined in the board's opioid rules, it may provide more flexibility for hospitals and for the board to consider adding nursing homes and residential treatment if applicable. She further stated, however, that she would defer to legal council affiliated with the board.

Ms. Chung will research whether or not additional exclusions would need to be added to the board's rules or if the current exclusions cover the treatment of admitted inpatient and observation hospital patients. She will present her findings at the next business meeting.

3.3 Hospital Admissions by Podiatric Physicians

Dr. Anderson and Ms. Gragg provided background on the topic of hospital admissions by podiatric physicians for conditions other than foot and ankle. Draft Interpretive Statement, *PO22-52 Hospital Admissions by Podiatric Physicians*, was provided in the meeting packet for board consideration.

Public questions/comments:

Dr. Kovacevich Renne commented she supports the draft Interpretive Statement.

MOTION: A motion was made to accept the draft provided in the meeting packet. The motion was seconded and unanimously approved.

3.4 2023 Meeting Dates

The board set their business meeting dates for calendar year 2023 as follows:

- January 19
- April 20
- July 20
- October 19

MOTION: A motion was made to approve the proposed 2023 business meeting dates. The motion was seconded and passed.

3.5 By-Law Updates

The board reviewed recommended updates to their By-Laws. Ms. Gragg shared the changes proposed.

MOTION: A motion was made to approve the By-Law updates as presented. The motion was seconded and approved.

3.6 Election of Officers

The board nominated and elected officers to the following positions: Chair and Vice Chair.

MOTION: A motion was made to elect Dr. Wardle as Chair and Dr. Buckley as Vice Chair. The motion was seconded and approved.

3.7 Correspondence/Inquiries

There were no correspondence/inquiries.

4. **Program Reports**

4.1 Budget report

Ms. Gragg shared the current budget report, as of May 31, 2022, and indicated it is in good standing.

4.2 Statistics reports

The current credential count report shows total active licensees to be 361, 21 limited licensees, 16 with licenses in inactive status, and 6 with licenses in retired active status. In addition, as of June 24, 2022, the active disciplinary case report shows 25 active cases; Adjudication – 10, Investigation – 1, Marked for Closure – 9, Review by board member and Staff Attorney – 4, and Assessment – 1.

4.3 Continuing education audit report

There were no updates.

4.4 Recruitment update

Ms. Gragg informed the board that applicants were interviewed for Dr. Anderson's position and the recruitment packet has moved on to internal DOH review then will be forwarded to the Governor's Office.

5. **Open Forum** Public attendees were provided time to address the board on issues of significance to or affecting the practice of podiatric medicine and that are not related to topics for which a rules hearing was or will be scheduled.

Gail McGaffick – Thanked Dr. Anderson for his leadership with the board and for always welcoming comments from WSPMA, as well as thanks to DOH staff.

Ms. Hill thanked Dr. Anderson and expressed her gratitude for his inclusiveness and encouragement to her as a board member. She also thanked DOH staff for their work. She also shared that she misses Ms. Fullerton.

Dr. Kerch agreed with Ms. Hill and complimented Ms. Gragg on the wonderful work she has done.

Dr. Anderson expressed his gratitude to all and to DOH staff. He also shared a question he received from a podiatrist practicing in Washington state: “Can medical assistants debride toenails?” Ms. Gragg will consult with the program manager of the medical assistant program and share the results with Dr. Anderson.

6. **Future Business starts at**

The following items are to be added to the agenda for the October 20, 2022 meeting:

- Recent WMC rule change about patient exclusions concerning opioid prescribing

7. **Settlement Presentations**

None.

8. **Adjournment of public meeting**

The public portion of the meeting adjourned by approved motion at 10:00 a.m.

9. **Discipline and Licensing**

This item was cancelled as there were no licensing or disciplinary matters to which to attend.