

MINUTES

**UTAH
PODIATRIC PHYSICIAN
BOARD MEETING**

February 16, 2012

**Room 402 – 4th Floor – 8:30 A.M.
Heber Wells Building
Salt Lake City, UT 84111**

CONVENED: 8:45 A.M.

ADJOURNED: 10:18 A.M.

**Bureau Manager:
Board Secretary:**

Noël Taxin
Karen McCall

Board Members Present:

Gary R. Ridge, DPM
Francis J. Clark, DPM
Thomas G. Rogers, DPM
Douglas C. Flegal, DPM

Board Members Absent:

Suzanne Ferry

TOPICS FOR DISCUSSION

DECISIONS AND RECOMMENDATIONS

ADMINISTRATIVE BUSINESS:

**Swearing in of Dr. Douglas C. Flegal as a
Board Member**

Ms. Taxin conducted the swearing of Dr. Flegal as a Board member. The Board welcomed Dr. Flegal.

Board Chairperson

Ms. Taxin explained Dr. Lowe has been the chairperson for the Board but his term is now expired so the Board will need to nominated another Board member or someone may volunteer.

Dr. Ridge made a motion for Dr. Clark to act as Board Chairperson. Dr. Flegal seconded the motion. **The Board vote was unanimous.**

MINUTES:

The minutes from the November 4, 2010 Board meeting were read.

Dr. Ridge made a motion to approve the minutes as read. Dr. Rogers seconded the motion. **Dr. Ridge, Dr. Clark and Dr. Rogers voted in favor of the**

motion. Dr. Flegal abstained as he was not present for that meeting.

DISCUSSION ITEMS:

Investigation Update

Ms. Taxin explained she has requested someone from the investigative unit to meet with the Board and report on cases received and where they are with investigations. She stated there will be no specific cases discussed but if the Board wants something more than is presented they may request it for the next report.

Ms. Taxin then introduced Larry Gooch.

Mr. Gooch delivered an overview of the 2011 year end investigative statistics.

The Board thanked Mr. Gooch for the report.

Review Law – Discussion Regarding Medical Assistant

Ms. Taxin explained she received a phone call from Dr. Clark regarding Podiatrists using medical assistants. She stated the Podiatric Act does not address medical assistants.

Dr. Clark responded there are some Podiatrists using Nurse Practitioners and many using medical assistants. He stated what these extenders are allowed to do will fall back on the Podiatrists license. Dr. Clark asked if Podiatrists are ok to hire Nurse Practitioners or would the Law need to be changed.

Ms. Taxin responded if Podiatrists were to hire Nurse Practitioners they should possess the education and knowledge for podiatric treatment.

Dr. Clark responded Nurse Practitioners learn general medicine but not specifically podiatric medicine.

Dr. Ridge commented Physicians use medical assistants and Nurse Practitioners in order for them to see more patients. He stated these extenders would be supervised within the practice.

Ms. Taxin responded Physician Assistants are required to have a Delegation of Services Agreement with the supervising Physician and are only able to practice what the Physician delegates to them. She stated the Nurse Practitioner is allowed to practice independently and the Physician is only involved in the prescriptive portion of their practice. She stated Karl Perry, Assistant AG, works with her on the Podiatry profession and has stated the Podiatric Physician Law does not address PA's, medical assistants or Nurse Practitioners. She stated currently if Podiatrists have these extenders working with them and something goes wrong the Podiatric Physician is responsible.

Dr. Clark stated he has had some education people call and ask him why their Law does not address PA's, Nurse Practitioners and medical podiatry assistants. He stated he has done some research and believes Podiatrists cannot legally hire these extenders unless the Law is changed.

Dr. Rogers asked what the risks are if the Law is opened.

Ms. Taxin responded she has not heard any complaints about Podiatrists using these extenders. She suggested Ms. Daly be contacted and clarify they want to use PA's, Nurse Practitioners and medical podiatry assistants and ask her advice on how to proceed.

Dr. Ridge clarified a medical assistant could assist, treat and cut nails of diabetic patients. He stated he believes the use of PA's and medical assistants is the way of the future.

Ms. Taxin stated she believes there may be a difference between a medical assistant and a podiatric assistant as the medical assistant is required to be under direct supervision. She stated the Podiatrists may want to have podiatric assistants work under indirect supervision. Ms. Taxin recommended the Board review the PA and Physicians Laws and consider the possible liabilities, pros and cons of adapting their Act and using assistants and/or extenders. She reminded the Board that making changes in the Law is an Association duty and if the

Law states “as defined by Rule” then the Board writes the Rule for clarification. She suggested Board members review the Laws and Rules of other States and talk with the Association if they want to move forward with suggesting changes in their Law.

Dr. Clark stated he will contact Ms. Daly and discuss the concerns, questions and possibilities regarding Podiatrists using extenders.

Following additional discussion Ms. Taxin stated Ms. Daly is welcome to contact her if questions arise.

Board members thanked Ms. Taxin for the discussion.

Annual Board Member Training

Ms. Taxin conducted the yearly board member training.

Ms. Taxin reviewed the Open and Public Meetings Act guidelines with formal Board meetings for business and reminded the Board that all Board meetings are recorded with the recording being retained for a year.

Ms. Taxin reviewed the guidelines for Board meetings and explained that Board business must be conducted in the formal Board meeting with an agenda having been posted 24 hours in advance for any interested public people to be able to attend. She explained additional agenda items cannot be added after the 24 hour deadline and will be on the next scheduled Board meeting agenda. She explained a quorum of Board members is required to make decisions with motions and votes.

Ms. Taxin explained the purpose for closing a meeting and stated with the Open Public Meetings Act there are very few reasons to close a meeting for the public to leave. Ms. Taxin reviewed electronic (telephonic) participation by Board members and for interviews. She stated Board members and public visitors may be requested to leave a Board meeting if they are being disruptive.

Ms. Taxin covered the issue of requesting a

probationer, an applicant or any individual to leave the meeting for Board discussion and stated meetings are open and comments should be made to the individual in order for them to understand the issues.

She stressed the importance of Board members being professional, remembering they are here to protect the public, to be fair, attentive and balanced in their comments and decisions. She stated Board members should be respectful to each other as well as any probationers or visitors. She stated they should listen and consider other view points; sometimes being creative but clear and open in communication and hold judgment until after all the facts have been presented.

Ms. Taxin recommended the Board review and be familiar with their Laws and Rules in order to make correct decisions. She stated they should be positive role models.

Ms. Taxin covered the fire drill and her expectations for everyone to get out of the building and meet across the street in the parking lot to be accounted for. She asked the Board to let her know if they have any special needs and to be aware of any visitors who may have special needs in order for her to get assistance for Board members or visitors. Ms. Taxin reviewed the fire escape locations.

The Board thanked Ms. Taxin for the information.

CORRESPONDENCE:

NBPME Reports regarding Elections, Clinical Skills Examination and Introduction of APMLE Part III Examination

The Board reviewed the information with no Board action taken.

CPME Policy Statement

The Board reviewed the information with no Board action taken.

Jeffrey K. Shapiro Letter regarding Foot Laser for Temporary Increase of Clear Nails in Patients with Onychomycosis

Ms. Taxin read Mr. Shapiro's letter which stated the PinPointe foot laser is FDA approved but that many practitioners are using other lasers which are not FDA approved.

Dr. Rogers commented he believes the letter is just

a notification regarding PinPointe USA, Inc. being the only FDA approved laser company and other companies have not yet gone through the process for FDA approval. He asked how aggressive the Utah Board wants to be in following through with their request to inform licensees about PinPointe.

Dr. Ridge responded there may be other laser companies who might be close to obtaining FDA approval and the Board would not know. He stated he believes it is more on an advertising FYI and would not be an insurance issue as they would not pay for the laser or the use of the laser.

Ms. Taxin stated it may be more of an Association issue than a Board issue and the Podiatric Physician Law does not refer to using only FDA approved equipment.

Dr. Rogers suggest the information be mentioned to the Association not to advertise with statements that cannot be backed up.

Dr. Clark recommended the Association be requested to also mention it to the membership.

FYI

Ms. Taxin suggested when Dr. Clark speaks with Ms. Daly that he let her know her presence was missed today.

NEXT MEETING SCHEDULED FOR:

August 9, 2012

ADJOURN:

The time is 10:18 am and the Board meeting is adjourned.

Note: These minutes are not intended to be a verbatim transcript but are intended to record the significant features of the business conducted in this meeting. Discussed items are not necessarily shown in the chronological order they occurred.

October 25, 2012
Date Approved

(ss) Francis J. Clark, DPM
Chairperson, Utah Podiatric Physician Licensing Board

March 1, 2012
Date Approved

(ss) Noël Taxin
Bureau Manager, Division of Occupational & Professional Licensing