



STATE OF WASHINGTON
DEPARTMENT OF HEALTH

**Podiatric Medical Board
Meeting Minutes**

April 15, 2021
9:00 a.m.

On Thursday, April 15, 2021 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
Jacqueline Buckley, DPM
Zarko Kajgana, DPM
Lotchie Kerch, DPM, Secretary
DJ Wardle, DPM, Vice Chair
Civillia Winslow Hill, Public Member

STAFF PRESENT:

Susan Gragg, Program Manager
Renee Fullerton, Executive Director
Michelle Hartman, AA3
Davis Hylkema, Assistant Program Manager
Gail Yu, Assistant Attorney General
Ashley Maxwell, Supervising Staff Attorney
Heather Cantrell, Policy Analyst

OTHERS PRESENT:

Lynn Kovacevich Renne, DPM – WSPMA
Gail McGaffick, JD – WSPMA
Allan Doan, DPM
Leslie Emerick, Lobbyist, WSPMA
Sarah Pearson, Health Care Authority
Susan McAlexander

GUEST SPEAKER:

Ryan Pistorosi, Health Care Authority

1. **Call to Order/Introductions**

Chair Randy Anderson, DPM, called the meeting of the Washington State Podiatric Medical Board to order at 9:12 a.m. on April 15, 2021. The board made the following actions for these agenda items:

1.1 Introductions

The board members, staff, and guests introduced themselves.

1.2 Approval of agenda

MOTION: A motion was made to approve the April 15, 2021 business meeting agenda. The motion was seconded and unanimously approved.

1.3 Approval of January 14, 2021 meeting minutes

MOTION: A motion was made to approve the January 14, 2021 meeting minutes as presented. The motion was seconded and unanimously approved.

2. Old Business

2.1 Rule Project Updates

2.1.1 Senate Bill 5380 – e-prescribing requirements and prescription monitoring program electronic medical record integration.

- The requirements for these portions of Senate Bill 5380 (laws of 2019) were extended by the DOH Secretary until September 30, 2021.
- The e-prescribing section, codified in RCW 69.41.055, will have the rule adoption hearing on June 4, 2021 at 9:30 am; this will be a virtual hearing held through GoToWebinar; details for registering can be found on the CR102 document and are available upon request.
 - A prescribing practitioner may submit an attestation for a waiver of the e-prescribing requirement if they meet certain criteria, such as economic hardship or technical limitations; the waivers are for the calendar year in which the attestation is signed.
 - For economic hardships, a practitioner may attest to the need for a waiver up to 3 times so they would have 3 years to come into compliance.
 - Exceptional circumstance waivers (such as operating free clinics, located in an area without sufficient internet access, etc.) can be attested to as long as the circumstances preventing compliance remain (i.e. unlimited).
- The Prescription Monitoring Program integration section, codified as RCW 70.225.090, will have the rule adoption hearing on May 19, 2021 at 1:00 pm; this will also be a virtual hearing held through GoToWebinar; details for registering can be found on the CR102 document and are available upon request.
 - While this requirement applies only to those practices with 10 or more providers, the rules establish a waiver process similar to the e-prescribing.
 - Similar to the e-prescribing, waivers can be submitted for economic hardship or exceptional circumstances. And similarly, economic hardships can be submitted 3 times, exceptional circumstance waivers are unlimited so long as the circumstances preventing compliance remain.

The board expressed concerns with the potential for podiatric physicians to reduce or eliminate prescribing due to cost of meeting the rule requirements. Ms. Fullerton will review the rule and draft a response for the board to review regarding their financial economic hardship concerns.

- 2.1.2 CR 101 on WAC 246-922-310 continuing medical education.
Ms. Gragg advised the board that there was an unexpected delay however, the paperwork for this rule project is moving forward.

3. **New Business**

3.1 COVID-19 follow-up

Ms. Fullerton provided a summary on Proclamation 20-32 regarding Healthcare Worker Licensing. The proclamation included a waiver to four sections of general CE-related rules: WAC 246-12-170, WAC 246-12-180, WAC 246-12-190, and WAC 246-12-200. These sections have to do with several aspects of continuing education administration. The current Board policy on CE, adopted April 16, 2020, does provide that anyone having difficulty completing CE can contact the board and seek assistance including extension and waiver of CE under WAC 246-12-210 for hardship or extenuating circumstances.

Ms. Gragg updated the board on the Department of Health Amended Federal Public Readiness and Emergency Preparedness (PREP) Act Declaration.

3.2 2021 Legislative Session

Ms. Gragg discussed the following Bills being proposed that may be of interest to the profession.

- [Senate Concurrent Resolution 8402](#)
- [Bill 1056](#)
- [Engrossed Substitute House Bill 1329](#)
- [House Bill 1378](#)
- [Substitute House Bill 1383](#)
- [Engrossed Substitute Senate Bill 5229](#)
- [Substitute Senate Bill 5271](#)
- [Senate Bill 5476](#)

3.3 Health Care Authority – SUPPORT Act PMP

Ryan Pistoresi with the Health Care Authority provided a presentation to the board on the federal legislation known as the SUPPORT Act signed into law in 2018, sections of which become effective October 1, 2021, that will require Medicaid providers to check the prescription monitoring program before prescribing a controlled substance.

3.4 Recertification discussion

The board discussed proposed changes to certain board specialty certification processes and discussed whether such changes will have any impact on the board's continuing medical education rules.

MOTION: A motion was made to include WAC 246-922-300 in the rulemaking already authorized at the January 1, 2021 meeting, previously discussed under agenda item 2.1.2 to consider whether amendments may be necessary. The motion was seconded and unanimously approved.

- 3.5 Rescind Policy Statement PO 20-52 HIV/AIDS training requirement
The board rescinded the policy now that WAC 246-922-070 has been repealed.

MOTION: A motion was made to to repeal policy statement PO 20-52. The motion was seconded and unanimously approved.

- 3.6 Signature Delegation for 2021-2023 Biennium
The board reviewed their Signature Delegation document for renewal for the next biennium (2 year time period).

MOTION: A motion was made to renew the signature delegation document for 2021-2023. The motion was seconded and unanimously approved.

- 3.7 Correspondence/Inquiries
The board reviews and discusses correspondences received since the last meeting.

There were no correspondences or inquires received.

4. Program Reports

- 4.1 Budget report
Ms. Gragg shared the budget status report as of February 28, 2021. She explained that once the current disciplinary cases are resolved, the financial report will look much better. Overall, the budget is in good standing.

- 4.2 Statistics reports
The current Credential Counts report shows total active licensees to be 353 and twenty limited licenses. For disciplinary cases, there are forty-two active cases; Three in assessment, Eighteen in investigation, eleven in review, and two in adjudication.

Ms. Gragg also provided an overview of cases by year, since 2011 to date.

- 4.3 Continuing education audit report

The were no updates.

- 4.4 Recruitment update
Ms. Gragg shared with the board that the public member recruitment packet is still in review at the Governor's office.

Other reports:

Dr. Kerch volunteered to attend the upcoming FPMB annual meeting in Dr. Anderson's absent.

Gail Yu, Assistant Attorney General, advised the board that until a replacment is hired, Lilia Lopez will be attending future meetings and assisting the board.

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, WSPMA, inquired as to whether there were trends amongst the disciplinary cases mentioned above.

6. **Future Business**

The board discussed adding the following items to the agenda for future meetings:

Work on e-prescribing requirement concerns as stated above in item 2.1.1 and look at steps needed in order to move forward.

7. **Settlement Presentations**

Settlement and/or Agreed Order presentations are contingent upon agreements being reached between the parties prior to a board meeting. Decisions are made in closed session; however, decisions are made during open session.

There were no settlement presentations.

8. **Adjournment of public meeting**

Randy Anderson, DPM, Chair, adjourned the meeting at 11:11 a.m.

9. **Discipline and Licensing**

The board will attend to licensing and disciplinary matters.

There were no licensing or disciplinary matters to attend to.