

MINUTES BOARD OF LICENSURE OF PODIATRIC MEDICINE

September 9, 2004

1:00 PM

Androscoggin Board Room

CHAIRMAN:

Shannon Meredith, D.P.M.

MEMBERS PRESENT:

Shannon Meredith, D.P.M.

Roy Corbin, D.P.M.

Ron Stewart

Danforth DeSena, D.P.M.

Jil Beaupain, D.P.M.

MEMBERS ABSENT: None

OTHERS PRESENT:

Jessica Doody, Board Clerk; Penny Vaillancourt, Board Administrator; Dennis Smith, A.A.G.; and Anne Head, OLR Director

CALL TO ORDER:

Shannon Meredith called the meeting to order at 1:34 p.m.

MINUTES:

A motion was made by Mr. Stewart and seconded by Dr. DeSena to approve the minutes from the July 1, 2004 meeting.

Vote: 5 – In Favor

DIRECTOR'S COMMENTARY

Anne Head told the board that she had met recently with Ken Lehman, counsel to the Maine Foot & Ankle Society regarding podiatry practice and the Association's interest in the delegation authority of licensed podiatrists. She also spoke to the board about the proposed legislation to add a delegation clause to the current statute. Ms. Head explained the legislative process, including how the society's proposal would be processed by the Legislature, the potential for sunrise review pursuant to Title 5; and possible rulemaking by the board. She noted that the Department's oversight committee is the Joint Standing Committee on Business, Research and Economic Development. If the Society proceeds with a legislative proposal, she would recommend that the Society be prepared to present as much information about the need for this statutory change. The Society had indicated to her that the Department would receive a draft proposal in October for review and comment. Finally, Ms. Head stated that the Department would work closely with the Board and the Society to resolve this issue as quickly as possible.

Ms. Head also discussed departmental personnel issues.

ADMINISTRATOR'S COMMENTARY:

Penny Vaillancourt gave the board a financial update for FY 04 and will continue to provide reports on a quarterly basis.

Penny Vaillancourt asked for clarification regarding oral examinations and applicants applying by reciprocity. The board informed Ms. Vaillancourt that every applicant must come before the board for an oral exam.

The Board reviewed a letter that was drafted by Penny Vaillancourt on behalf of Dr. Meredith. The letter addresses the lack of statutory authority for licensed podiatrists to direct an employee in their podiatric office to perform toe nail trimmings.

CHAIRMAN'S REPORT:

Dr. Meredith does not have anything to report that has not already been discussed.

COMPLAINT OFFICER'S REPORT:

POD-031: Complainant alleged that the licensee cut patient's toe during clipping; the toe later became inflamed and painful. The licensee prescribed an antibiotic and scheduled an appointment for the complainant. At the appointment, the licensee told the complainant that she had an ingrown toenail and performed a partial Phenol Matricectomy. The complainant alleged that she was not allowed to read the consent form for the procedure; however, the licensee did read it aloud to her.

A motion to dismiss the complaint was made by Dr. Meredith because there was no evidence of unprofessional conduct or a deviation from the standard of care in this particular procedure. The motion was seconded by Dr. Senea.

Vote: 4 – In favor 1 – Recused (Dr. Corbin)

CORRESPONDENCE:

Request to clarify use of sedation by podiatrists: Dr. De Sena made a motion to table the matter pending receipt of further information and to seek expert opinions with respect to levels of sedation. The motion was seconded by Ron Stewart.

Vote: 5 – In favor

MISCELLANEOUS:

Dr. De Sena made a motion to form a rules sub-committee. The motion was seconded by Dr. Corbin.

Vote: 5 – In favor

Dr. Meredith made a motion to nominate Dr. Beaupain to the rules sub-committee. The motion was seconded by Ron Stewart.

Vote: 5 – In favor

Dr. Corbin made a motion to nominate Dr. De Sena to the rules sub-committee. The motion was seconded by Ron Stewart.

Vote: 5 – In favor

ADJOURNMENT

Ron Stewart moved to adjourn the meeting. Dr. De Sena seconded the motion. The motion was approved unanimously.

The next regular meeting is scheduled for December 2, 2004.

Respectfully submitted,
Jessica Doody, Board Clerk